

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2730 of 2020

Abhishek Batra, S/o. Manoj Batra, aged about 20 years, R/o. Village Polsaypara, Durg, Thana and District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.232/2020, registered at Police Station – Durg, District – Durg (C.G.) for the offence punishable under Section 354, 376, 509 (b), 506, 384 of the Indian Penal Code and Section 6 & 8 of Protection of Children from Sexual Offences Act, 2012 and Section 67 (b) of the Information and Technology Act..
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix was not minor on the date of incident. Although the entry in the school register shows that her date

of birth is 01.10.2014, but the copy of the Aadhar Card, which has been attached with the application mentions her date of birth as 09.10.2000, therefore, she was major at the time of incident. Further she was a consenting party to the entire incident. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was 15 years and 8 months on the date of incident, therefore, any consent given by her is immaterial. Hence, it is prayed that the application may be rejected.
4. Complainant and the victim both are present before this virtual Court through Help Desk of this High Court. They have made statement that they have no objection in grant of bail to the applicant. Further they are concerned that in case the applicant harasses them, they seek at liberty to file complaint against him.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant firstly outraged the modesty of the minor victim and then by putting her under threat he has exploited her sexually on number of occasions. There is also allegation against the applicant that the applicant used to send obscene photographs and messages on social media to the victim, regarding which offence under I.T. Act, has been registered.

7. Considered on the submissions made and the facts of the case. As there is no objection made from the complainant and the victim side, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram