

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3303 of 2020**

Shiv Prasad Aadile S/o Late Sukhdev Adile Aged About 20 Years R/o
Ramsagarpara, Korba, District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Kotwali, Korba District Korba
Chhattisgarh.

---- Respondent

For the Applicant : Shri Govind Ram Miri, Advocate.
For the Respondent/State : Shri Vimlesh Vajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.08.2020**

Heard.

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.775 of 2019, registered at Police Station – Kotwali, District – Korba, Chhattisgarh for the offence punishable under Sections 363, 366-A and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 18.2.2020 and has been falsely implicated in this case. It is also submitted that the prosecutrix had been major on the date of incident and she had been a consenting party throughout, who willingly accompanied and resided with the applicant in many places, which is reflected from her

statement before the Child Welfare Committee and also before the Magistrate under Section 164 of the Cr.P.C. Hence, it is prayed that the applicant 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 according to the entry in the school register the age of the prosecutrix is 14 years 7 months on the date of incident, however, she has made a categorical statement for making allegations, therefore, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the High Court. She made a statement that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in the custody he has exploited her sexually on numerous occasions because of which, the prosecutrix became pregnant. Thereafter, the FIR has been lodged.

7. Considered the submissions and the facts that are present in the case. Looking to the statement of no objection made by the prosecutrix herself, I am of this view that it is a fit case where the applicant should be benefited with grant of regular bail during the pendency of trial.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge