

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3326 of 2020

1. Akash Patre, S/o Anand Ram Patre, Aged About 18 Years.
2. Anand Patre, S/o Bhagwani Patre, Aged About 50 Years.
3. Kanti Bai, W/o Anand Ram Patre, Aged About 42 Years.

All are R/o Village- Satnami Para, Kunda, Police Station- Kunda,
District- Kabirdham (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station-
Kunda, District- Kabirdham (C.G.)

--- Respondent

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For State/ Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

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 applicants who have been arrested in connection with Crime No. 65/2020, registered at Police Station- Kunda, District- Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376, 368 of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicants submits that the applicants are in jail since 21.05.2020 and have been falsely implicated in

this case. In fact, there had been dispute between the applicants and the prosecutrix in Panchayat Election, apart from that, there had been love affair between applicant No. 1 and the prosecutrix. Additional document along with affidavit has been filed to show that the prosecutrix had attempted thrice to make entry in house of the applicants, which was objected by the applicants, thereafter, false FIR has been lodged. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that age of the prosecutrix is below 16 years. Further, she has made statement against these applicants, therefore, no case is made out for grant of bail to the applicants. Hence, the application for grant of bail may be rejected.
4. Notice issued to the informant/ complainant has been returned served, but there is no appearance and no representation.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that applicant No. 1 abducted the minor prosecutrix of age about 15 years and kept in his custody in his parental house with consent of applicant No. 2 & 3. It is also alleged that applicant No. 1 has exploited the minor prosecutrix sexually.
7. Considered on the submissions made and also on the fact present is the case diary. After considering on the statement of the prosecutrix, which she has been given under Section 164 of the Cr.P.C., as narrated by the State counsel, I am of the view

that it would be proper to release the applicants on regular bail, hence, I feel inclined to grant bail to the applicants in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge