

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3664 of 2020**

Chandrashekhar @ Chandu S/o Shri Birchu Ram Netam Aged About 30 Years R/o Village Makka, Police Station Cilhati District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Khadgaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ishan Verma, Advocate.
For the Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2020**

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.50 of 2019, registered at Police Station – Khadgaon, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4, 5(1) and 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 29.9.2019 and has been falsely implicated in this case. The applicant intends to challenge the ground of minority of the prosecutrix in the trial otherwise, it had been a case of affair between the applicant and the

prosecutrix in which the prosecutrix had willingly submitted herself to physical relation and also had willingly accompanied with this applicant to different places and resided with him. The FIR lodged by the father of the prosecutrix is totally false. 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 the age of the prosecutrix was below 16 years on the date of incident, hence, any consent given by her is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

4. Complainant – Pyarelal is present in person before this virtual Court through help-desk of this High Court. He has stated that he has no objection if the applicant is granted bail.

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

6. As per the prosecution case, the applicant and the prosecutrix both had a love affair. It is alleged that the applicant abducted the minor prosecutrix and took her to Maharashtra where he resided for about one month with the prosecutrix and had physical relation with her and when they came back to the place of residence the prosecutrix was recovered from the applicant and the applicant was arrested by the police.

7. Considered the submissions and also considered the statement of the

complainant that he has no objection if the applicant is granted bail. Hence, for these reasons, I feel inclined to grant regular bail to the applicant in this case.

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