

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3705 of 2020

Vishnu Nag, S/o. Shri Vishram Nag, aged about 22 years, R/o. Village Jodarapadar, Kondagaon, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Karpawand, District Jagdalpur, Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishant Verma, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/07/2020

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.22/2020, registered at Police Station – Karpawand, District – Jagdalpur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
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 applicant and the prosecutrix both had

affair, therefore, the applicant has not forced himself upon the prosecutrix. On the other hand, she had willingly accompanied the applicant and resided with him. The applicant intends to challenge the document of minority of the prosecutrix on which the prosecution relies. Hence, it is prayed that the applicant may be enlarged on regular 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 16 years 10 months on the date of incident therefore, any consent given by her is immaterial, therefore, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on the pretext that he will marry her and then by keeping the prosecutrix in his custody in his own house had established physical relation with her on number of occasions.
6. After considering the nature of allegation and the statement given by the prosecutrix in the investigation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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