

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3786 of 2020

Dinesh Kumar, S/o Shri Feku Ram Kumhar, Aged About 22 Years, R/o Village Haradi, Police Station Sakti, Civil & Revenue District- Janjgir-Champa (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police Station Sakti, Civil & Revenue District- Janjgir-Champa (C.G.)

--- Respondent

For Applicant : Mr. Paras Mani Shriwas, Advocate.
For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13/08/2020

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. 09/2020, registered at Police Station- Sakti, District- Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of IPC, Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 29.02.2020 and has been falsely implicated in this

case. The prosecutrix had willingly accompanied with the applicant to go different places like Delhi, Chandigarh & Ambala, where, she resided with him and submitted herself for physical relation. The prosecutrix was not minor on the date and time of incident, therefore, the consent given by her was valid. The FIR has been lodged making false allegation against the applicant. Hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that according to the statement given by the prosecutrix, it is clear that she was minor and her consent was immaterial, therefore, the offences registered against the applicant are totally made out. Hence, the application for grant of bail may be rejected.
4. The complainant and the prosecutrix both are present in person before this virtual Court through the Help Desk of the High Court of Chhattisgarh and they have made statement that they have objection in grant of bail to the applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, the prosecutrix left with the applicant on 11.01.2020, subsequent to which, one missing report lodged by her father. After recovery of the prosecutrix on 28.02.2020, she has stated making allegations against the applicant that he has exploited her sexually.
7. Considered on the submissions and the facts present in this case. After considering the statement that has been given by the

prosecutrix in the investigation and the statement under Section 164 of the Cr.P.C. before the Magistrate, I am of the view that it would be proper to release the applicant on regular bail during pendency of trial against him, hence, I feel inclined to grant 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge