

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3937 of 2020

Dhanendra Ghritlahre @ Mona, S/o. Mohan Lal Ghritlahre, aged about 20 years, R/o. Village Kurra, Police Station Gobranavapara, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Its Police Station Gobranavapara, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Rekhraj Baghel, 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.174/2020, registered at Police Station – Gobranavapara, District – Raipur (C.G.) for the offence punishable under Section 366, 376 of the Indian Penal Code and Section 4 & 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 prosecutrix was not minor and she had been a consenting party. 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 prosecutrix was minor on the date of incident according to the age proof collected in the investigation, therefore, any consent given by her is immaterial. Therefore, it is prayed that 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 has exploited sexually on number of occasions.
6. After considering the statement that has been given by the prosecutrix in the investigation and the other circumstances that are present, 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