

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3980 of 2020

Kailash Tiwari, S/o Shri Praful Tiwari, Aged About 22 Years, R/o Ulba,
Police Station Abhanpur, District- Raipur (C.G.) **--- Applicant**

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Tikrapara, District- Raipur (C.G.) **--- Respondent**

For Applicant : Mr. Soumitra Kesharwani, Advocate.
For State/ Respondent : Mr. Sameer Sharma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09/07/2020

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. 71/2020, registered at Police Station- Tikrapara, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4, 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 14.05.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix was not minor on the date of incident. There had been love affair between the prosecutrix and the applicant and they had intended to marry each other. The prosecutrix has not made any such statement to police that she was abducted or raped by 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 the prosecutrix was minor on the date of incident and there is evidence regarding physical relation of the applicant with the prosecutrix, which amounts to commission of offence of rape, therefore, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix of aged below 18 years on 07.02.2020 and thereafter, by keeping her in his custody, he has exploited her sexually on a number of occasions until the prosecutrix was recovered from his custody.
6. Considered on the statement given by the prosecutrix and also the statement that made on behalf of the applicant and on that basis, I feel inclined to grant bail to the applicant in this case.
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