

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4053 of 2020

- Tikeshwar @ Tikesh Koshariya S/o Sukh Chand Koshariya, Aged About 22 Years, Residing At Village Jhatiyarpara P.S. Kundai District Navrangpur (Odisha), Present Address Harapdao Keshkal P.S. Keshkal District Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Police Station Keshkal, District Kondagaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06-11-2019 in connection with Crime No.123/2019 registered at Police Station – Keshkal, District Kondagaon, Chhattisgarh for the offence under Section 363, 366, 376 (2)(n) of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 06-11-2019. No case is made out against him. The prosecutrix had been a consenting party and she has not been minor. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix being minor any consent given by her is immaterial. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the documents.

5. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then on pretext of marrying her, he has exploited her sexually.
6. After considering of the statement given by the prosecutrix in this case and also that the trial of this case is likely to take some time, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge