

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4041 of 2020

Sevak Ram Dhidhi, S/o Jagmohan Dhidhi, Aged About 21 Years, R/o Vill- Aalesur, P.S. Kharora, Dist.- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through S.H.O., P.S. Suhela, Dist.- Baloda Bazar-Bhatapara (C.G.)

--- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.
For Presecutrix	:	Mr. Vaibhav Maheshwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30/06/2020

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. 291/2019, registered at Police Station- Suhela, District- Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 363, 366-A, 376 of IPC & Section 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 29.05.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix was aged about 17 years on the date of incident and this applicant has not committed any offence as alleged by the prosecution. The prosecutrix and her parents have no objection

in granting bail to this applicant regarding which they had filed an application making statement of no objection in granting bail to the applicant before the Sessions Court, which was not considered. Parents of the prosecutrix have again filed an affidavit stating that they have no objection in granting bail to the applicant and that this applicant is legally wedded husband of the prosecutrix, therefore, 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 entry in the school register, age of the prosecutrix would be 13 years and 10 months only, therefore, any consent or any no objection statement cannot be taken into consideration for granting bail to the applicant, hence, the application for grant of bail may be rejected.
4. Learned counsel appearing on behalf of the prosecutrix submits that the prosecutrix and her parents have no objection in granting bail to this applicant. He has confirmed filing of the affidavit by parents of the prosecutrix regarding their no objection.
5. Heard counsel for both the parties and perused the records.
6. After considering the statement and also the development that has taken place and now the parents of the prosecutrix and the prosecutrix herself are not in opposition to grant bail to the applicant, therefore, on this reason, I am of the view that it would be proper to release the applicant on regular bail, hence, 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

Arun