

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4092 of 2020

Rupesh Netam, S/o Shri Jibu Netam, Aged About 30 Years, R/o
Bambay Awas Colony Bhilai-3, P.S. Bhilai-3, Tehsil and District- Durg
(C.G.) **--- Applicant**

Versus

State of Chhattisgarh, Through The District Magistrate, District- Durg
(C.G.) **--- Respondent**

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

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. 11/2020, registered at Police Station- Patan, District- Durg (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.
2. Learned counsel for the applicant submits that the applicant is in jail since 14.02.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The applicant intends to challenge minority of the prosecutrix on which the prosecution is relying. The prosecutrix had been a consenting party. The prosecutrix and her parents had appeared before the Sessions Court and made statement that they have no objection in granting bail to the applicant, which was not

taken into consideration, 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, therefore, consent given by her is immaterial, hence, 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, this applicant is alleged to have abducted the minor prosecutrix who is aged about 16 years and 4 months and on pretext of marrying her, then he exploited her sexually. It is found mentioned in the rejection order that the prosecutrix and her parents had appeared before the Sessions Court and made statement of no objection.
6. After considering the facts and circumstances of this case as well as the present development, 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