

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4108 of 2020

Bhagwani Saitode, S/o. Amar Das Saitode, aged about 19 years, R/o. Village Parsadakhurd, Bori, Durg, District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, through : Police Station Bori, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2020

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.60/2019, registered at Police Station – Bori, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 (A) 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 in this case and she had been consenting party, who willingly accompanied the applicant to

different places and submitted for physical relation, which was based on consent. The consent is reflected from the statement given by the prosecutrix under Section 164 of Cr.P.C. 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 according to the statement of the prosecutrix under Section 161 of Cr.P.C., it is a clear case of abduction and rape, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and took her to Nagpur and Pune, where he performed sham marriage and then made physical relation with her on number of occasions knowing that she was minor.
6. After considering the facts and circumstances of the case and the material present against this applicant for his prosecution, 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