

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4152 of 2020

- Jagdish Kumar Dugga S/o Kirir Dugga, Aged About 19 Years (Now), R/o Village Khandsara P.S. Badedongar District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2020

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 21-02-2020 in connection with Crime No.3/2020 registered at Police Station - Badedongar, District Kondagaon, Chhattisgarh for the offence under Section 363, 376(2)(N) and 376(3) of the IPC and under Section 6 of 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 prosecutrix is not minor. The applicant intends to challenge the ground of minority of the prosecutrix in trial, otherwise the relation of the prosecutrix and the applicant had been consensual. The applicant is in jail since 21-02-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was below 16 years of age and she has made clear statement regarding commission of offence of rape with her in her

statement in the investigation. Therefore, the application may be rejected.

4. The complainant/prosecutrix is present before this virtual Court through Help Desk of this High Court. She has stated that she has no objection in grant of bail to the applicant and that he intends to marry her in future.

5. Heard learned counsel for the parties and perused the documents.

6. As per the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually on numerous occasions, because of which she became pregnant and has given birth to a child

7. Considered on the submissions and also the facts of the case. Looking to the circumstances present and also the statement of no objection made by the complainant side, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge