

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4352 of 2020

- Naval Das @ Balak Das S/o Amran Das Manikpuri, Aged About 35 Years, R/o Village Gindola, Police Station Lawan, Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : District Magistrate, Durg District Durg Chhattisgarh and also through Police Station : Amleshwar, District Durg Chhattisgarh, District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.
For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-07-2020

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 18-04-2020 in connection with Crime No.29/2018 registered at Police Station – Amleshwar, District Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 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. No case is made out against him. The prosecutrix is not minor and she had been a consenting party according to the statement given by her under Section 164 of the Cr.P.C. to the Magistrate. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that according to the proof of date of birth collected in the investigation, the prosecutrix was of age below 18 years during the period when the incident has occurred, therefore, consent if any given by the

prosecutrix is immaterial. Hence, the application may be rejected.

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

5. It is alleged that this applicant on pretext that he will marry the prosecutrix abducted her and by taking her to different places he has exploited her sexually, regarding which the FIR has been lodged.

6. Considered on the submissions and also considered on the statement that has been given by the prosecutrix to JMFC under Section 164 of the Cr.P.C. and after due consideration, 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