

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4425 of 2020

- Rajesh Kumar Panika S/o Late Lalji Panika, Aged About 24 Years, R/o Pachawal, Police Station Sanawal, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Raghunathnagar, District Balrampur- Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rahul Mishra, Advocate.

For Non-applicant/State – Shri Anand Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2020

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 17-05-2019 in connection with Crime No.46/2019 registered at Police Station - Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376(2)(ढ) of the IPC and 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 and she and the applicant both had a love affair and they wanted to marry each other. As the mother of the prosecutrix was not happy with this marriage proposition, therefore she has lodged the false FIR against the applicant. The prosecutrix has also been examined in the court and she has made similar statement. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, any

consent given by her is immaterial. Hence, the application may be rejected.

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

5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and by keeping her in his custody he has exploited her sexually, regarding which the FIR has been lodged by the mother of the prosecutrix.

6. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix which is filed along with the application and after considering the same, I am of this view that the applicant is entitled for grant of bail.

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