

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4460 of 2020

- Rahul Jangde S/o Shiv Kumar Jangde, Aged About 19 Years, R/o Village - Biranpurkhurd, Police Station Gandai, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Singhanpuri Jungle, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2020

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 19-02-2020 in connection with Crime No.02/2020 registered at Police Station - Singhanpuri Jungle, District Kabirdham, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 (I) 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 was not minor on the date of incident and according to the statement given by her under Section 164 of the Cr.P.C., she had willingly accompanied the applicant, resided with her and had physical relation with him. Therefore, no case is made out against the applicant. The applicant is in jail since 19-02-2020. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was only 15 years of age and her statement is

clear that she was subjected to sexual relation with the applicant which amounts to commission of offence of rape. Therefore, the application may be rejected.

4. Complainant Ashwani Janghel is present before this virtual Court through Help Desk of this High Court. He has stated that he has objection in grant of bail to the applicant.

5. Heard the submissions and perused the documents.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age 15 years on pretext that he will marry her and thereafter he kept the minor prosecutrix in his custody in different places and had physical relation with her.

7. Considered on the submissions and the facts of the case. Perused the copy of the statement of the prosecutrix under Section 164 of the Cr.P.C. and after overall consideration, 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