

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5669 of 2020

Krishna Pando, S/o Itwar Singh Pando, Aged About 26 Years, R/o Semardarri (Bagaihatola), Police Station - Marwahi, District - Gourela - Pendra - Marwahi (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station - Passan, District - Korba (C.G.)

--- Respondent

For Applicant : Mr. Aditya Khare, Advocate.

For State/ Respondent : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19/11/2020

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. 46/2020, registered at Police Station- Passan, District- Korba (C.G.) for the offence punishable under Section 363, 366(A), 376 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 14.05.2020 and has been falsely implicated in this case. No case is made out against this applicant. No offence has been committed by this applicant. The prosecutrix is herself present before this Court to make a statement of no objection in favour of the applicant. Hence, it is prayed that this applicant

may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that at the time of incident, age of the prosecutrix was 15 years and 3 months and she has clearly supported case of the prosecution, in her statement given under Section 161 & 164 of the Cr.P.C., therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. The prosecutrix is present before this Court through her counsel Mr. H.A.P.S. Bhatia. She has submitted that she has no objection in grant of bail to this applicant and it is also her prayer that this applicant should be granted bail.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then, by keeping her in his custody, he has exploited her sexually on a number of occasions, regarding which, FIR has been lodged.
7. Considered on the submissions and the facts present in this case and after specifically considering the statement of no objection made by the prosecutrix herself, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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

Arun