

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6258 of 2020**

Tameshwar Keram, S/o. Radhelal Keram, aged about 20 years, R/o. Village Narratola, Thana Dallirajhara, District Balod Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : District Judge, Balod, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.
For Complainant	: Mr. Pravin Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/10/2020**

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.115/2020, registered at Police Station – Balod, District – Balod (C.G.) for the offence punishable under Section 363, 366, 376 (2) (N) of the Indian Penal Code and Section 4, 5 (२) & 6 of the Protection of Children from Sexual Offences Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The prosecutrix was not minor on the date of incident. The prosecutrix herself has given statement in the investigation that she and the applicant had an affair between them, which shows consensual relation between them. The complainant, who is father of the prosecutrix has no objection and the prosecutrix herself has no objection grant of bail to the applicant. Hence, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix had been below 16 years when her relationship started with the applicant, therefore, any willingness or consent from her side is of no consequence. Further no objection made by the complainant and the prosecutrix can not be entertained in such circumstances. Therefore, the applicant is not entitled for grant of bail.
4. Counsel for the complainant submits that the complainant Milan Ram Taran has instructed him to make this statement that he has no objection in grant of bail to the applicant.
5. The complainant himself and the prosecutrix both are present before this Virtual Court through Help Desk of District Legal Services Authority, Balod and of both of them have made statement that they have no objection in grant of bail to the applicant.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, it is alleged that this applicant had exploited the minor prosecutrix sexually since about more than one year and then on the date of incident, this applicant abducted the minor prosecutrix and then by keeping her in his custody, he has again established physical relation with her, which amounts to commission of offence of rape, regarding which FIR has been lodged.
8. Considered on the submissions made and the facts of the case. Looking to the statement of no objection that has been made by the complainant and the prosecutrix herself, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. 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