

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6195 of 2020

Jitendra Kumar, S/o Vishwanath, Aged About 22 Years, R/o Behri, P.S.-
Siddharth Nagar, District- Algadhwa. Presently residing at Siltara, P.S.-
Dharsiwa, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Police Station- Dharsiwa, Raipur
(C.G.)

--- Respondent

For Applicant : Mr. N. Naha Roy, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/11/2020

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. 221/2018, registered at Police Station- Dharsiwa, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 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 26.07.2020 and has been falsely implicated in this case. As per the statement given by the prosecutrix herself under Section 164 of the Cr.P.C., she was rescued by this applicant from her uncle, who had been exploiting her sexually. The prosecutrix is not minor and the applicant had married her

and also having a child from her. 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 age of the prosecutrix was only 13 years and 7 months at time she was abducted by this applicant and she has been sexually exploited for about 2 years, which amounts to commission of offence of rape, 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 in person before this virtual Court through the Help Desk of the High Court of Chhattisgarh and she has stated that she is not minor and she is married to the applicant and having a child. She has also made statement that she has no objection in grant of bail to the applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that on 25.05.2018, the prosecutrix went missing then, report was lodged. The prosecutrix was recovered on 25.07.2020 from the custody of this applicant, in Gorakhpur and she has given statement about her sexual exploitation by the applicant.
7. Considered on the submissions and the facts present in this case. The prosecutrix, who is present before this virtual Court, has stated that she is not minor and she has no objection in grant of bail to this applicant, which is taken into consideration, 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