

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6676 of 2020**

Sanat Kumar Bhardwaj, S/o. Shri Dwarika Bhardwaj, aged about 21 years,
R/o. Maath, Police Station – Kharora, District Raipur Civil And Revenue
District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Kharora District Raipur
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ajay Mishra, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/10/2020**

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.446/2019, registered at Police Station – Kharora, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 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. The prosecutrix was not minor on the date of incident and the applicant intends to challenge the age of the prosecutrix. The statement of the prosecutrix given in the investigation shows her willingness and consent throughout in the relation with the applicant. The applicant is in jail since 18.08.2020. 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 prosecutrix was minor on the date of incident being of age just above 16 years, therefore, any consent or willingness on her part is of no consequence. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then he performed marriage, which is not lawfully acceptable. The applicant then kept her in his custody and exploited her sexually on number of occasions until she was recovered by the police.
6. Considered on the submissions and the facts of the case. Looking to the statement that prosecutrix has given, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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