

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6534 of 2020**

Sukhnandan Satnami, S/o Mahettaru Satnami, Aged About 30 Years R/o Navadih, Police Station - Lormi, District - Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Officer-In-Charge Of Police Station - Lormi, District - Mungeli Chhattisgarh.

---- Respondent

For the Applicant : Shri Pallav Mishra, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.11.2020**

Heard.

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.474 of 2015, registered at Police Station – Lormi, District – Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 34 of the Indian Penal Code and Sections 4 and 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 23.08.2020 and has been falsely implicated in this case. The incident is alleged to have occurred on 25.10.2015. On the present date, the prosecutrix is major and she is above 20 years of age, who was residing with the applicant until he was arrested. Both of them have married and have

children from this marriage. The FIR in this case was lodged on 26.10.2015 even then, the police has delayed the investigation without any reason. Hence, looking to the present circumstances, the applicant be enlarged on bail during the pendency of trial.

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 on the date of incident, the age of the prosecutrix was only 14 ½ years and also she has made statement of allegations against the applicant under Sections 161 and 164 of the Cr.P.C. which were recorded in the month of December, 2015, therefore, any consent or willingness on her part does not absolve the applicant from guilt. Hence, no case is made out for grant of bail to the applicant.

4. Notice was issued to complainant – Krishna Drithlahare, father of the prosecutrix. The complainant has refused to accept notice regarding which, report has been received.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant allured the minor prosecutrix with a false promise and then by keeping her in custody he has exploited her sexually regarding which, FIR has been lodged.

7. Considering the submissions and the facts present in this case, it appears that almost five years have passed and the investigation has not

been completed till date even the arrest of the applicant has been made on 23.08.2020, there is no explanation regarding the delay of the investigation. As it appears, that the co-accused persons have been granted bail by the Sessions Court and considering the statement that has been made in the applicant's side regarding the present relationship of the applicant with the prosecutrix, who is now major, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge