

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6614 of 2020**

Rakesh Kumar Sakat, Son of Late Teklal Sakat, aged about 24 years,
Resident of Tingipur, P.S. Takhatpur, District Bilaspur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station
Dharsiwa, District Raipur (Chhattisgarh).

---- Respondent

For Applicant : Mr. A.D. Kuldeep, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

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.30/2019, registered at Police Station – Dharsiwa, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, & 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. The

prosecutrix was not minor on the date of incident and she has willingly accompanied the applicant and consented for physical relation. It is submitted that at present the prosecutrix has given birth to a child and she is residing in the house of the applicant. The applicant is in jail since 30.08.2020. 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 according to the investigation, the prosecutrix was minor on the date and time of incident and therefore, any consent or willingness on her part is immaterial. Therefore, the applicant is not entitled 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 on the pretext of marrying the minor prosecutrix has exploited her sexually, which amounts to commission of offence of rape, regarding which, FIR has been lodged.
6. Considered on the submissions made and the facts of the case. Considering the statement that prosecutrix has given in the investigation under Section 161 of Cr.P.C. and 164 of Cr.P.C., 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

Balram