

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6508 of 2020**

Sandeep Kumar Tirky S/o. Maniram Tirky, Aged About 22 Years R/o. Uphiya,
Police Station Pasta, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Of Police Station Shankargarh.
District Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.10.2020**

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.146 of 2019, registered at Police Station – Shankargarh, District – Balrampur- Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(tha) 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 4.7.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge the ground of minority of the prosecutrix in the trial itself. In fact, the applicant

and the prosecutrix both had love affair because of which, the prosecutrix had willingly accompanied and resided with the applicant and also submitted for physical relation. Hence, it is prayed that 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 the statement of the prosecutrix under Section 161 of the Cr.P.C. is categoric against the applicant. Hence, no case is made out for grant of bail to the applicant.

4. Heard 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 aged about 16 years and then by keeping her in his custody he has exploited her sexually on numerous occasions on pretext that he will marry her in future. In this case, the father of the prosecutrix has lodged the FIR.

6. Considered the submissions made by counsel for the applicant and the facts present in this case. It appears that the statement under Section 164 of the Cr.P.C. is contradictory and improved compared to the statement given by her under Section 161 of the Cr.P.C., therefore, under these circumstances, I feel inclined to grant bail to the applicant in this case.

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. 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