

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6490 of 2020

- Rajesh Tandan S/o Sataudas Tandan, Aged About 20 Years, R/o Village Mundgaon, Police Station Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Dongargarh, District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Abhishek Sharma, Advocate.

For Non-applicant/State – Shri Sameer Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 31-08-2019 in connection with Crime No.413/2019 registered at Police Station – Dongargarh, District - Rajnandgaon, Chhattisgarh for the offence under Section 363, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (as per final report).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. In fact, there had been affair between the applicant and the prosecutrix, because of which the prosecutrix had willingly accompanied the applicant to go to Hyderabad and resided with him. The prosecutrix has been examined in the trial, she has made such admissions to show that the applicant has not committed any offence. The applicant is in jail since 31-08-2019. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix was minor on the date of incident, therefore, any willingness or consent on her part is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. As per the case, it is alleged that this applicant abducted the minor prosecutrix on 08-08-2019 regarding which a missing report was lodged by mother of the prosecutrix on 09-08-2019. The prosecutrix was then recovered on 18-08-2019 by police from railway station Dongargarh and she has given statement to the police making allegations against the applicant, on the basis of which the offences have been registered against the applicant.

6. Considering on the submissions and entire facts present in the case and also after perusing copy of the deposition of the prosecutrix that is filed along with the application I am of this view that present is a fit case for grant of bail to the applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge