

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6582 of 2020

- Anand Kumar @ Nandu S/o Shatrughan, Aged About 19 Years, Resident of Village Chadiya, Police Station Jashpur, District Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Jashpur, District Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pawan Kumar Kashyap, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2020

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 25-07-2020 in connection with Crime No.151/2020 registered at Police Station - Jashpur, District Jashpur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor in this case. There had been admittedly affair between the applicant and the prosecutrix, because of which the prosecutrix willingly came to reside with the applicant. Her statement under Section 164 of the Cr.P.C. is not against this applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the victim in this case was clearly minor and she has clearly stated about commission of offence of rape in her statement before the Child Welfare Committee and also in her statement to the police under Section 161

of the Cr.P.C. Hence, the application may be rejected.

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

5. As per the prosecution case, it is alleged that this applicant made a proposal to the minor prosecutrix about his liking for her and then on his invitation the prosecutrix left her house, who was then taken by the applicant to his own house where by keeping her in his custody he exploited her sexually and committed offence of rape.

6. Considered on the submissions. Considering the statement that the prosecutrix has given under Section 164 of the Cr.P.C. and also that there is admission about affair between the applicant and the prosecutrix, I feel inclined to allow this application.

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