

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6631 of 2020

Kush Kumar Kewat, S/o Shri Shiv Shankar Kewat, Aged About 26 Years, R/o Village Devri, Police Station and Tahsil Sakti, District-Janjgir- Champa (C.G.)
--- Applicant

Versus

State of Chhattisgarh, Through: District Magistrate Janjgir, District-Janjgir- Champa (C.G.)
--- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27/10/2020

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. 239/2019, registered at Police Station- Malkharouda, District-Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 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 02.09.2020 and has been falsely implicated in this case. No case is made out against the applicant. According to the statement given by the prosecutrix to the police, she herself had invited the applicant to take her and then, she willingly resided with him for two days and willingly submitted for physical relation. The prosecutrix is not minor and the same will be established in the trial by the defence. Hence, it is prayed that

this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that according to the investigation made, prosecutrix was minor, therefore, any consent or willingness on her part, has no consequence, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in this case and I am of this view that it would be proper to release the applicant on regular bail, hence, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge