

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6597 of 2020**

Vijaydhar, S/o. Maan Singh, aged about 25 years, R/o. Village Ghinara, Botli,
Police of Police Station -Kartala, District Korba, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through- Station House Officer, Police of Police
Station- Kartala, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/10/2020**

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.15/2020, registered at Police Station – Kartala, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 (2) (N) of the Indian Penal Code and Section 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 diary. The prosecutrix was not minor on the date of incident and she has willingly accompanied the applicant and residing with him and had physical relation. The prosecutrix and the applicant both have married and they intend to lead married life. The applicant is in jail since 29.06.2020. 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 the prosecutrix was minor on the date of incident, therefore, any willingness or consent from her side is of no consequence. 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 abducted the minor prosecutrix by enticing her and by false promise to marry her subjected to physical relation on numerous occasions as a result of which, she became pregnant regarding which, FIR has been lodged.
6. After Considering on the submissions made and particularly the statement that has been given by the prosecutrix herself, 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