

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6563 of 2020

Deepak Patre, S/o Satish Patre, Aged About 18 Years, R/o Sonpuri,
P.S. Pandriya, District- Kabirdham (C.G.) **--- Applicant**

Versus

State of Chhattisgarh, Through Arakshi Kendra Pandriya, District-
Kabirdham (C.G.) **--- Respondent**

For Applicant : Mr. Basant Dewangan, Advocate.
For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09/10/2020

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. 20/2020, registered at Police Station- Pandriya, District- Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 08.07.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix was not minor on the date of incident. She had been willingly accompanying the accused and she had been a consenting party, which is reflected from her statement given under Section 161 of the Cr.P.C. 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 at the time of incident, age of the prosecutrix was only 16 years and 9 months, therefore, any consent or willingness on her part, has no consequence, therefore, he 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 this applicant abducted the minor prosecutrix and then, took her to Lukhnow, where, he performed marriage, which is unlawful and then, he exploited her sexually on a numerous of occasions, regarding which, offences have been registered.
6. Considered on the submissions and the facts present in this case. After considering the statement that has been given by the prosecutrix in the investigation, I am of the 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