

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6651 of 2020**

Jon Khalkho, S/o. Bhalleriyan Khalkho, aged about 22 years, R/o. Village Dandgaon, Chowki Manora, Police Station and District Jashpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police of Police Station - Bagicha, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/10/2020**

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.96/2020, registered at Police Station – Bagicha, District – Jashpur (C.G.) for the offence punishable under Section 363, 366, 368, 376 (2) (ब) of the Indian Penal Code and Section 4, 5 (ब), 6 & 17 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. The prosecutrix was not minor on the date of the incident and the applicant intends to challenge the age of the prosecutrix. The applicant is in jail since 07.09.2020. 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 on her part is immaterial. Hence, no case is made out 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 of age below 18 years with the help of one co-accused Dayanand and then he kept her in his custody in his own house, where he exploited her, which amounts to commission of offence or rape.
6. Considered on the submissions made. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C., 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