

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6776 of 2020

- Suresh Telam S/o Mara Telam, Aged About 20 Years, R/o Village Patelpara Tumnar P. S. Bijapur, District Bijapur Chhattisgarh, District : Bijapur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Bijapur, District Bijapur Chhattisgarh, District : Bijapur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-12-2020

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 18-08-2019 in connection with Crime No.74/2019 registered at Police Station - Bijapur, District Bijapur, Chhattisgarh for the offence under Section 376, 341 and 342 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor and there had been consensual relation of the applicant with the prosecutrix, therefore, no case is made out against the applicant. Hence, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix was below 16 years, therefore, she was not competent to give any valid consent for physical relation and according to her statement under Section 161 and 164 of the Cr.P.C. the offences registered against the applicant are clearly made out. Therefore, the application be rejected.
4. The prosecutrix/informant is virtually present before this Court through

Help Desk of TLSA Bijapur Talluka. She has stated that she has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, it is alleged that the applicant abducted and confined the minor prosecutrix and then exploited her sexually, regarding which the prosecutrix herself had filed the complaint.

7. Considered on the submissions and facts of the case. As there is no objection made by the prosecutrix/informant, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge