

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 6957 of 2020**

Khaleshwar Purena, S/o. Bhagwat Purena, aged about 20 years, R/o. Village Kari, Chowki - Lawan, Police Station Kasdol, District Balodabazaar - Bhatapara Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station - Kasdol, District Baloda Bazaar Bhatapara Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Yogesh Kumar Chandra, Advocate

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

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****06/11/2020**

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.495/2020, registered at Police Station – Kasdol, District – Baloda-Bazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 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 the applicant intends to challenge the ground of minority of the prosecutrix in trial, otherwise, the statement given by the prosecutrix under Section 161 of Cr.P.C. and 164 of Cr.P.C. clearly mentions that there had been an affair and she had willingly accompanied and resided with the applicant. 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 on the date of incident, the prosecutrix was minor of age below 18 years, therefore, any consent or willingness on her part is of no consequence. Therefore, it is prayed that the application be rejected.
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 the prosecutrix and the applicant both had an affair since about five years. Subsequent to which, the applicant abducted the minor prosecutrix and then by keeping her in his custody, he established physical relation with her on number of occasions until the prosecutrix was recovered by the police.
6. After considering on the submissions, the facts and circumstances of the case and also the statement that has been given by the prosecutrix in the investigation, 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