

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6752 of 2020

Anil Kumar Tirkey, S/o Late Somra Ram, Aged About 20 Years, Caste – Uron, R/o Village Sayar Raie, Police Chowki Raghunathpur, Police Station- Ludra. District- Sarguja (C.G.) **--- Applicant**

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Darima, District- Sarguja (C.G.) **--- Respondent**

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29/10/2020

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. 10/2020, registered at Police Station- Darima, District- Sarguja (C.G.) for the offence punishable under Section 363, 366, 376 (2)(N), 506 of IPC and Section 5(L) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 23.01.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The statement given by the prosecutrix under Section 164 of the Cr.P.C. shows that she willingly resided with the applicant for the reason that she had grievance from mother and step-father, therefore, no case is made out against the present applicant. 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 the prosecutrix was clearly minor on the date of incident, therefore, any willingness or consent on part of the prosecutrix is immaterial, therefore, this applicant 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 on pretext of marrying her and then, by keeping her in his custody, he has exploited her sexually on numbers of occasions until she recovered by the police.
6. Considered on the submissions and the facts present in this case. After considering on the statement that has been given by the prosecutrix under Section 161 & 164 of the Cr.P.C., I am of this 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