

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6961 of 2020**

Shivpratap Singh S/o Santosh Singh Aged About 19 Years Caste Gond R/o Chopda Colony Quarter No. 654 Vishrampur Police Station Vishrampur Tehsil And District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Vishrampur District Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.11.2020**

Heard.

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.167 of 2020, registered at Police Station – Vishrampur, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code and Sections 4 and 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 6.9.2020 and has been falsely implicated in this case. The prosecutrix is not minor and the applicant intends to challenge the ground of her minority. The prosecutrix has given statement under Sections 161 and 164

of the Cr.P.C. which clearly shows that she and the applicant both had an affair between them and it was the prosecutrix who compelled the applicant to take her with him, therefore, no offence is made out against the applicant. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 consent or willingness on her part is immaterial and the commission of offences by the applicant is clearly made out. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then he established physical relation on number of occasions as a result of which, she became pregnant. After lodging of FIR, the prosecutrix was recovered from the custody of the applicant and the case was registered against the applicant.

6. Considering the facts and circumstances of this case and also the statement that has been given by the prosecutrix to the police and before the Magistrate, I feel inclined to grant regular 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge