

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7198 of 2020**

Sunny Sharma S/o Late Shri Vinod Sharma Aged About 24 Years R/o
Mandir Hasoud, Raipur , District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Thana Incharge Mandir Hasoud, Raipur,
District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Sudeep Johri, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.12.2020**

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.252 of 2020, registered at Police Station – Mandir Hasoud, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and 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 23.7.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant and the prosecutrix both are married and the prosecutrix is residing with the family of

the applicant. The father of the prosecutrix lodged this FIR because of some misconception whereas, at present, the prosecutrix as well as her father both have filed an affidavit in support of this application. 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 age of the prosecutrix had been below 15 years according to the entry in the school register. The submission regarding the age of the prosecutrix by the applicant's side is yet to be proved in trial, therefore, at present, there is no case in favour of the applicant. Hence, the application be rejected.

4. The prosecutrix is present in person before this Court on notice. She has stated that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years on pretext of marrying her and then he has exploited her sexually.

7. Considered the submissions and the facts present in this case. Perused the affidavit filed by the prosecutrix and her father which are in support of this applicant. Hence, under these circumstances, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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