

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6858 of 2020

Ajay Chandra, S/o Parsram Chandra, Aged About 24 Years, R/o
Dhodhi Para, District- Korba (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through District Magistrate, Korba, District-
Korba (C.G.)

--- Respondent

For Applicant : Mr. Govind Ram Miri, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

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. 587/2020, registered at Police Station- Kotwali, District- Korba (C.G.) for the offence punishable under Section 363, 366 (A), 376 of IPC and Section 4 & 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 30.06.2020 and has been falsely implicated in this case. No case is made out against this applicant. The relationship of the applicant and the prosecutrix was consensual. False FIR has been lodged by father of the victim making false

allegation against the applicant. In the present development, the prosecutrix as well as her father, both have no objection in grant of bail to this applicant regarding which, they have separately given affidavit, which is attached with this application. 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 on the date of incident, the prosecutrix was minor of age about 16 years and 11 months, therefore, she was not of age to give valid consent and the offence registered against the applicant are clearly made out. 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 the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually on a number of occasions, regarding which, FIR has been lodged.
6. Considered on the submissions and the facts present in this case and also perused the affidavits, which have been attached along with this application. On the basis of which, 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

Arun