

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6958 of 2020**

Nikhil Rathore S/o Sonsay Aged About 26 Years R/o Purani Basti Pendra,
Police Station Pendra, District Gourela Pendra Marvahi Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Station House Officer Police Station
Pendra , District Gourela Pendra Marvahi Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajkumar Pali, 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.391 of 2019, registered at Police Station – Pendra, District – Gourela-Pendra-Marvahi, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 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 03.09.2020 and has been falsely implicated in this case. The prosecutrix is not minor and she had willingly accompanied and resided with the applicant which is reflected from her statement given to the police under

Section 161 of the Cr.P.C. and before the Magistrate under Section 164 of the Cr.P.C., therefore, the applicant has not committed any offence. 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 does not absolve the applicant from guilt. 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. It is alleged that this applicant abducted the minor prosecutrix aged about 17 years 2 months and then by keeping her in custody he has exploited her sexually regarding which, offences were registered.

6. Considered the submissions and the facts present in this case. Taking into consideration, particularly, the statement that has been given by the prosecutrix to the police and to the Magistrate, I am of view that it is a fit case where the applicant should be benefited with grant of regular bail during the pendency of trial.

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