

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6896 of 2020**

Mahesh Dewangan S/o Chandan Dewangan Aged About 22 Years R/o Village Ketka, Police Station And Tahsil Surajpur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.11.2020**

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.354 of 2020, registered at Police Station – Surajpur, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366, 506 323 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 13.9.2020 and has been falsely implicated in this case. The prosecutrix is not minor. The relation of the applicant and the prosecutrix had been consensual which is reflected in her statement under Section 164

of the Cr.P.C. before the Magistrate. 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 on the date of incident was below 16 years, therefore, any consent or willingness on her part is immaterial. Hence, the applicant is not entitled for grant of bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of DLSA, Surajpur. She made a statement 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. As per the prosecution case, it is alleged that this applicant enticed the prosecutrix and then by keeping her in his custody and also by putting her under threat he has exploited her sexually on numerous occasions.

7. Considered the submissions and the facts present in this case. After considering the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. before the Magistrate and also the statement of no objection before the virtual Court today, I feel inclined to grant regular bail to the applicant.

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