

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7178 of 2020**

Vinod Kumar, son of Duryodhan Das, aged about 24 years, resident of Village - Maja, Police Station – Ramanujnagar, District - Surajpur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station - Ramanujnagar District - Surajpur (Chhattisgarh).

---- Respondent

For Applicant	: Ms. Soniya Kuldeep, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/11/2020**

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.39/2020, registered at Police Station – Ramanujnagar, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 (2-ढ) of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and the applicant intends to challenge

the ground of minority of the prosecutrix in trial. The statement of the prosecutrix under Section 164 of Cr.P.C., shows that she has admitted about her love affair with the applicant and that she has willingly accompanied the applicant and resided with him having physical relation with him. Hence, it is prayed that the applicant may be released on bail.

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 date of birth of the prosecutrix according to the school register is 11.01.2004, therefore, her age was only 16 years at the time of incident and any consent or willingness on her part is of no consequence. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and kept her in his custody. On the pretext of marrying the prosecutrix, the applicant has exploited her sexually as a result of which, the prosecutrix became pregnant. After recovery, the prosecutrix has given statement against the applicant, on the basis of which, offence have been registered against him.
6. Considered on the submissions and the facts of the case. Looking to the statement that has been given by the prosecutrix under Section 164 of Cr.P.C. and also the medical report that the prosecutrix is not carrying any pregnancy, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

Balram