

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7026 of 2020**

Chandradas, S/o. Sontosh Das, aged about 24 years, R/o. Boharidih, Police Station - Chakarbhata, Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station -Chakarbhata, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Govind Ram Miri, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.
For Complainant	: Mr. B. Madhav Rao, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/11/2020**

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.170/2020, registered at Police Station – Chakarbhata, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 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. No case is made out

against the applicant according to the material present in the case diary. The prosecutrix had been a consenting party, which is reflected from her statement given in the investigation. Further the prosecutrix and her father both have no objection in grant of bail to the applicant. 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 at the time of incident, the prosecutrix was only 16 years of age, therefore, any consent or willingness from her side is of no consequence. Therefore, it is prayed that the application be rejected.
4. Mr. B. Madhav Rao, Advocate along with Shri Malesh Ram, the father of the prosecutrix, the complainant of this case along with the prosecutrix is present before this Virtual Court. The counsel submits that complainant and prosecutrix both have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that the applicant enticed the minor prosecutrix of age below 18 years with false promise to marry her and then he kept her in his custody and exploited her sexually, which has resulted in her pregnancy. Thereafter, the FIR has been lodged.
7. After considering on the submissions and the statement of no objection made by the complainant side and also the statement that has been given by the prosecutrix in the investigation, this Court is of the opinion

that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram