

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6999 of 2020**

Pankaj Kumar Suryawanshi, S/o. Rajkumar Suryawanshi, aged about 23 years, R/o. Village Belmundi, Police Station -Sakri, Tahsil -Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : the Police Station Ratanpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

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.530/2019, registered at Police Station – Ratanpur, District – Bilaspur (C.G.) for the offence punishable under Section 363 and 376 of the Indian Penal Code and Section 4 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 was not minor on the date of incident. The statement of the prosecutrix under Section 161 and 164 of Cr.P.C. both are in favour of this 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 on the date of incident, prosecutrix was minor, therefore, the case against the applicant is clearly made out. Therefore, it is prayed that the application be rejected.
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 enticed the minor prosecutrix and abducted her and by keeping her in his custody, he has exploited her sexually, regarding which, the offences have been registered.
6. After Considering on the submissions and the facts present in the case and particularly 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.
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