

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7079 of 2020**

Sanjeev @ Sanju Tandon S/o Shri Punarad Tandon Baghel, Aged About 20 Years R/o Village Bharengabhatha, Police Station Abhanpur, District Raipur, Civil and Revenue District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Abhanpur, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ajay Mishra, Advocate.
For the Respondent/State : Shri Devesh Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.11.2020**

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.350 of 2020, registered at Police Station – Abhanpur, District – Raipur, 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 28.09.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge the ground of minority of the prosecutrix in the trial otherwise, there had been an affair in consensual physical relation between the

applicant and the prosecutrix which does not amounts to commission of 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 had been 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. As per the prosecution case, it is alleged that the applicant abducted the minor prosecutrix on pretext of marrying her and then he has exploited her sexually regarding which the offences have been registered against him.

6. After considering the submissions and the facts of the case and also the statement under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

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