

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7617 of 2020

Suraj @ Suryanarayan Pradhan, S/o Alekh Pradhan, Aged About 19 Years, R/o Mitthumuda Durga Chowk, Raigarh, Police Station- Chowki Jutmil Raigarh, District- Raigarh (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through the District Magistrate, Raigarh and through the Station House Officer, Police Station- Baramkela, District- Raigarh (C.G.)

--- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03/12/2020

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. 99/2020, registered at Police Station- Baramkela, District- Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 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 02.07.2020 and has been falsely implicated in this

case. The prosecutrix was not minor on the date of incident. She had been consenting party and had willingly accompanied with the applicant, resided with him and had physical relation. No case is made out against the applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age only 16 year and 8 months at the time of incident, therefore, she was not competent to give any valid consent. Hence, the offence registered against the applicant is made out, therefore, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that on 13.06.2020, the applicant abducted the minor prosecutrix and then, took her to his own house to Raigarh, where, he kept her in his custody for few days and made physical relation with her, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in this case. Looking to the statement that has been given by the prosecutrix under Section 161 of the Cr.P.C. and the other circumstances present, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the 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

Arun