

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7547 of 2020

Amit Kumar Tandan, S/o Shri Rohit Kumar Tandan, Aged About 21 Years, R/o Village- Jagnanathpur, Parasbod, Police Station- Saja, District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The District Magistrate, Durg, District- Durg (C.G.)

--- Respondent

For Applicant	:	Mr. P. Chetan Kumar, Advocate.
For State/ Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/12/2020

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. 68/2020, registered at Police Station- Dhamdha, District- Durg (C.G.) for the offence punishable under Section 363, 366, 376 (2) (N) of IPC and Section 5 (ठ) & 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 20.08.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and

she had been consenting party, therefore, no case is made 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 on the date and time of the incident, therefore, any consent or willingness on her part, is of no consequence, therefore, the applicant is not entitled for grant of bail. Hence, 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 the applicant abducted the minor prosecutrix of age about 17 years and 6 months and then, by keeping her in his custody, he has established physical relation with her on pretext of marrying her, regarding which, FIR has been lodged.
6. Considered on the submissions and the facts present in this case. After considering the submission and also 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