

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7194 of 2020**

Sanju Thakur, S/o. Hemant Manjhi, aged about 23 years, R/o. Village Patparpali, Thana Nuwapada, District Nuwapada, Odisha.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Tendukona, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/11/2020**

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.55/2020, registered at Police Station – Tendukona, District – Mahasamund (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. The prosecutrix was

not minor on the date of incident and the applicant intends to challenge the ground of minority of the prosecutrix in trial. The applicant and the prosecutrix both had affair, therefore, their relation was consensual. Therefore, no case is made out against 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 the prosecutrix was minor, therefore, any consent or willingness on her part is of no consequence. Therefore, the applicant is not entitled for grant of bail.
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 and abducted the minor prosecutrix of age below 18 years and then on pretext of marrying her, he has established physical relation with her on numerous occasions. The statement given by the prosecutrix is the basis of registration of offences against the applicant.
6. Considered on the submissions and the facts present in the case. Particularly, looking to the statement that has been given by the prosecutrix under Section 164 of Cr.P.C., 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

Balram