

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7286 of 2020

Ray Singh Anchala, S/o Ramlu Ram, Aged About 25 Years, R/o Gudum Anchala Para, Police Station- Lohattar, District- Kanker (C.G.)-- **Applicant**

Versus

State of Chhattisgarh, Through Police Station Manpur, District- Rajnandgaon (C.G.) --- **Respondent**

For Applicant : Mr. Arvind Kumar Dubey, 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. 43/2020, registered at Police Station- Manpur, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 (2)(N) of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.07.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge minority of the prosecutrix in the trial. The statement of the prosecutrix in the investigation reflects about the consensual relationship, therefore, 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 on the date and time of incident, therefore, any willingness or consent on her part, is immaterial, therefore, no case is made out for grant of bail to the applicant. 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 and then, by keeping her in his custody, he has exploited her sexually, regarding which, offences have been registered against him.
6. Considered on the submissions and the facts present in this case. After looking to the statement that has been given by the prosecutrix under Section 164 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 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