

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7427 of 2020

- Govardhan Sahis S/o Kartik Ram Sahis, Aged About 26 Years, R/o Village Farswani Police Station and Tahsil Dabhara, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, District Magistrate Raigarh District Raigarh Chhattisgarh and through the Station House Officer, Police Station Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-06-2020 in connection with Crime No.84/2020 registered at Police Station – Sariya, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by 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. Her statement under Section 164 of the Cr.P.C. clearly shows regarding her willingness in accompanying and residing with the applicant and also that she does not speak of any physical relation with the applicant. Therefore, no case is made out, hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor of age below 18 years, therefore, any willingness or consent on her part is immaterial. The case registered against the applicant is made out. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and he performed a sham marriage with her to have physical relation with her which continued for some time until the prosecutrix was recovered from his custody by the police. Father of the prosecutrix has lodged the FIR in this case.
6. Considered on the submissions and facts present in this case and looking to the statement that the prosecutrix has given before the Magistrate under Section 164 of the Cr.P.C., I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge