

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7452 of 2020

- Virendra Gendre S/o Bhagwat Gendre, Aged About 22 Years, R/o Village - Nandgaon, Police Station and Tahsil - Mahasamund, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Office, Police Station City Kotwali, Mahasamund, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant –Mr. Raghavendra Pradhan and Ms. Pushplata Khalkho, Advocates.

For Non-applicant/State – Mr. Adil Minhaj, 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 24-08-2020 in connection with Crime No.12/2020 registered at Police Station – City Kotwali, Mahasamund, District - Mahasamund, Chhattisgarh for the offence under Section 363, 366 & 376 of the IPC and Section 4 & 6 of 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. According to the statement given by her she had willingly accompanied and resided with the applicant and also had physical relation with him. She has also stated that she and the applicant both have married on 19-08-2020 in the Arya Samaj Temple. Therefore, no case is made out against the applicant. 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 went missing on 07-01-2020 and on that date she was minor. Therefore, according to the statement of witnesses present in

the case commission of offences of abduction and rape against the applicant are made out. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the prosecution case, the prosecutrix went missing on 07-01-2020 regarding which the missing report was lodged by her father. The prosecutrix was then recovered on 24-08-2020 from the custody of this applicant when she was having a pregnancy of six months and she has given statement, on the basis of which offences have been registered against the applicant.

6. Considered on the submissions and facts of the case. Looking to statement that the prosecutrix has given under Section 164 of the Cr.P.C. in which she has stated about her marriage with the applicant in Arya Samaj Temple and also the other circumstances that are present, 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