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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7426 of 2020**

Gajendra Sahu, S/o. Shri Narad Ram Sahu, aged about 24 years, R/o. Village Thuha, Police Station Kurud, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Kurud, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mayank Chandrakar, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/12/2020**

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.287/2020, registered at Police Station – Kurud, District – Dhamtari (C.G.) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code and Section 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 her minority in the trial. The statement given by the prosecutrix under Section 164 of Cr.P.C. reflects about relationship based on consent, therefore, no case is made out against the applicant. Hence, it is prayed that the applicant may be released on regular 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 on the date of incident, therefore, any consent or willingness on her part is immaterial. The offences registered are clearly made out against this applicant. 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 on 14.06.2020, the applicant abducted the minor prosecutrix and then he kept her in his custody and exploited her sexually by establishing physical relation with her.
6. After considering on the submissions and the facts of the case and after looking to the statement 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