

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7484 of 2020**

Sonsay Nag, S/o. Somnath Nag, aged about 20 years, Residing at Village Turenar, District Bastar Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Police Station Nagarnar, District Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/12/2020**

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.84/2020, registered at Police Station – Nagarnar, District – Bastar (C.G.) for the offence punishable under Section 363, 366 and 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. The statement of the prosecutrix in investigation shows that she was a consenting party. The applicant is in jail since 18.05.2020. 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 age of the prosecutrix was below 16 years of age at the time of incident, therefore, any consent or willingness given by her is of no consequence. Therefore, the applicant is not entitled for grant of bail.

4. The complainant Baliram and the prosecutrix both are virtually present before this Court through Help Desk of District Legal Services Authority, Jagdalpur. They have stated that they have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on the pretext of marrying her and then he has exploited her sexually on numerous occasions.
7. Considered on the submissions and the facts of the case. Looking to the statement of the complainant that he has no objection in grant of bail to the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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