

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7491 of 2020**

Rajesh Vishwakarma, S/o. Hardev Vishwakarma, aged about 21 years, R/o. Village Ghat Dhanora, Matka Pal, P. S. Bandaji, District Bastar Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, the Police Station Bastar, District Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Adil Minhaj, 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.44/2020, registered at Police Station – Bastar, 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. Her statement under Section 164 of Cr.P.C. shows that she was a consenting party. The applicant is in jail since 16.03.2020. 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 on the date of incident, the age of the prosecutrix was more than

16 years, however, she was not capable of giving any valid consent, hence, the case against the applicant is made out. Therefore, the applicant is not entitled for grant of bail.

4. The complainant Prabhuram Nag is virtually present before this Court through Help Desk of District Legal Services Authority, Jagdalpur. He has stated that he has 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, the applicant abducted the minor prosecutrix on pretext of marrying her and then by keeping her in his custody, he has exploited her sexually.
7. Considered on the submissions and the facts of the case. After considering on the statement that has been 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.
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