

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7793 of 2020**

Suraj Sarve, S/o. Shri Durga Prasad Sarve, aged about 19 years, R/o. Village Bhilauni, Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Kumar Agrawal, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/12/2020**

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.280/2020, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 363, 376 of the Indian Penal Code and Section 4 & 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. It is submitted that the prosecutrix was not minor on the date of incident. There had been an affair between the applicant and the prosecutrix and therefore, the relation was consensual. Hence, no case is made out against the applicant. Therefore, 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 according to the statement given by the prosecutrix in the investigation, there is clear allegation that the applicant has committed the offence of rape with the minor prosecutrix. Therefore, no case is made out 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, the prosecutrix of age below 18 years went missing on 17.09.2020. After lodging of missing report, she was recovered from custody of this applicant on 23.09.2020 and then according to the statement given by her, offences have been registered against the applicant.
6. Considered on the submissions and the facts of the case. Looking to the statement of the prosecutrix herself and other circumstances present, 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