

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7829 of 2020**

Akshay Kumar S/o Shri Sant Ram Aged About 27 Years R/o Village Dodaki,
Police Station Masturi, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Masturi, civil And Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.12.2020**

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.373 of 2020, registered at Police Station – Masturi, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 15.9.2020 and has been falsely implicated in this case. The prosecutrix is not minor. There had been a love affair because of which, the applicant and the prosecutrix both have married. The statement of the prosecutrix under Section 164 of the Cr.P.C. mentions that she was willing and consenting party. After completion of investigation, the charge-sheet has been filed. Hence, no case is made out against the applicant.

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 on the date of incident was below 18 years, therefore, any consent or willingness on her part is of no consequence, therefore, the offences against the applicant are clearly made out. Hence, the application be rejected.

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

5. Considered the submissions and the facts present in this case. After considering the statement of the prosecutrix which she has given under Section 164 of the Cr.P.C., I feel inclined to grant bail to the applicant in this case.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge