

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8026 of 2020

- Devnarayan S/o Mahadev Dewangan, Aged About 24 Years, R/o Sonwahi, Outpost Latori, Police Station Jainagar, Tahsil and District Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police of Police Station Gandhinagar, Ambikapur, District- Surguja, Chhattisgarh

---- Non-applicant

For Applicant – Shri H.A.P.S. Bhatia, Advocate on behalf of Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-10-2020 in connection with Crime No.20/2019 registered at P.S. – Gandhinagar, Ambikapur, Chhattisgarh for the offence under Section 363, 366, 376(2)(f) of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix was major on the date of incident. She has given affidavit in support of the application for bail before the Sessions Judge, but the same was not considered. The prosecutrix is married to the applicant and is also residing with his parents. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor, therefore, any consent or willingness on her part is of no consequence. The case against the applicant is clearly made out. Hence, the application may be rejected.

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

5. According to the prosecution case, it is alleged that this applicant

enticed the minor prosecutrix of age below 18 years with promise to marry her and then by keeping her in his custody he has exploited her sexually by having physical relation with her on numerous occasions. After lodging of the missing report the prosecutrix was recovered on 08-10-2020 and then on basis of the statement given by her the offences have been registered against the applicant.

6. Considered on the submissions and facts of the case. There is mention of the affidavit given by the prosecutrix, in the rejection order, in which she has stated about her marriage with the applicant and also about birth of a son. Hence, looking to these circumstances, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge