

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 134 of 2021

- Pankaj Kumar Patel S/o Santram Patel, Aged About 21 Years, R/o Village Amapali Post Jajang Police Station Sakti District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Darri, District Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vijay Kumar Sahu, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2021

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 06-09-2020 in connection with Crime No.185/2020 registered at Police Station – Darri, District Korba, Chhattisgarh for the offence under Section 366, 376, 363 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor. The relationship of the applicant and the prosecutrix was based on consent, which is reflected from her statement under Section 164 of the Cr.P.C. The prosecutrix has appeared before the Sessions Court and she filed an affidavit alongwith marriage certificate given by Arya Samaj submitting that she has no objection in grant of bail to the applicant, which was not considered by the Sessions Court. Hence, the applicant is entitled for grant of bail and it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was of age below 18 years when she was abducted, confined and ravished by this applicant. Therefore, any consent or

willingness on her part is immaterial. 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 abducted the minor prosecutrix, took her to West Bengal where the prosecutrix was kept in his custody confined and exploited sexually by the applicant knowing well that she was minor and not capable of giving consent. The prosecutrix was recovered on 05-09-2020, subsequent to which the offences have been registered against the applicant.

6. Considered on the submissions. After taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and also that she had appeared before the Sessions Court to make statement of no objection, 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