

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 99 of 2021**

Sanjay Verma, S/o Mukesh Verma, Aged About 21 Years R/o Village - Subhash Ward, Nanak Mohalla, Bhatapara, Tehsil And Thana - Bhatapara, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through The Station House In - Charge, Police Station - Bhatapara (City) District - Balodabazar - Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Ms. Supriya Upasane, Advocate.
For the Respondent/State : Shri B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.03.2021**

Heard.

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.225 of 2020, registered at Police Station – Bhatapara, District – Baloda Bazar-Bhatapara, 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 15.12.2020 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that the applicant has not committed any offence. The prosecutrix has also

married the applicant and living with the family of the applicant. Hence, it is prayed that the applicant be enlarged 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 the prosecutrix was minor on the date of incident and her consent or willingness is immaterial. The offences are clearly made out against the applicant. Hence, the applicant is not entitled for grant of bail.

4. Notice was issued to the complainant, on which the prosecutrix herself appeared on 17.2.2021 and she has made a statement that she married the applicant and she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually knowing well that she is not competent to give such consent.

7. Considered the submissions and the facts that are present in the case. Taking into consideration the statement of no objection made by the prosecutrix herself, I feel inclined to grant regular bail to the applicant.

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. 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