

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 114 of 2021**

Mousam Suman S/o Mutaiya Aged About 24 Years R/o Vengitota, Police Station And Tahsil Chintur, District Purvi Godawari (A.P.), At Present R/o Patelpara, Arrabor, Police Station Arrabor, Tahsil Konta, District Sukma, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Arrabor, District Sukma, Chhattisgarh.

---- Respondent

For the Applicant : Shri Praveen Dhurandhar, Advocate.

For the Respondent/State : Shri Gurudev I. Sharan, 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.07 of 2020, registered at Police Station – Arrabor, District – Sukma, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 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 30.8.2020 and has been falsely implicated in this case. No such offence has been committed as it is alleged in the prosecution case. The prosecutrix/ complainant has no objection in grant of bail to 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 statement of the prosecutrix in the investigation clearly shows that the offences of rape are made out against the applicant, therefore, he is not entitled for grant of bail.

4. The prosecutrix/ complainant was present before this Court on 17.2.2021 and she has made a statement of no objection in grant of bail to the applicant.

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

6. The prosecution case is that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually. The prosecutrix became pregnant and she has given birth to a child.

7. Considered the submissions. Taking into consideration the evidence present and also 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

Nimmi