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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 420 of 2021**

Suraj Verma S/o Shri Dharam Raj Verma Aged About 18 Years R/o Khurma Thana, Manda, District Allahabad, Uttar Pradesh.

Present Address New Santoshi Para, Camp II, Ward No.25, Bhilai Power House, Police Station Chhawani, Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Chhawani, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajesh Kumar Tiwari, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.04.2021**

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.235 of 2020, registered at Police Station – Chhawani, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5 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 4.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor. The applicant and the prosecutrix both had love affair and they were living together as husband and wife. The prosecutrix

unfortunately got infected with corona because of which, the applicant got her admitted in the hospital where she was died. Subsequent to the statement of some witnesses, the applicant has been falsely implicated in this case. 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 of age below 18 years who went missing on 7.5.2020 regarding which, a missing report and FIR was lodged by her mother, therefore, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix aged about 17 years on 7.5.2020 and then by keeping her in his custody he exploited her sexually. The prosecutrix has expired because of getting infected with corona. Subsequent to statement of the witnesses, that the applicant and the prosecutrix were living together as husband and wife, which is the basis of this case.

6. Considered the submissions and the documents present in this case. Looking to the circumstances present and also after taking into consideration the statement of the witnesses, I feel inclined to grant regular bail to the applicant.

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

8. 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