

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 226 of 2021**

Umed Kumar Alias Sonu S/o Ramnath Binjhwar Aged About 21 Years R/o Sakin Guri, P. S. Seepat, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Seepat, Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Ms. Madhunisha Singh, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.03.2021**

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.47 of 2020, registered at Police Station – Seepat, District – Bilaspur, 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 12.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. She willingly gone and resided with the applicant for about 8 months. Both of them have also performed marriage. It is because of some dispute, false FIR has been

lodged. 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 had been minor on the date of incident, therefore, any consent or willingness on her part does not absolve the applicant from guilt. Hence, no case is made out for grant of bail to the applicant.

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 on 1.2.2020. A missing report was lodged by the brother of the prosecutrix on that basis, the prosecutrix was recovered on 12.10.2020 and as per the statement given by her the offences have been registered against the applicant.

6. Considered the submissions and the documents present in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. discloses that she and the applicant both have married and also they have resided together for about 8 months before the prosecutrix was recovered from the custody of this applicant. Hence, looking to these circumstances, 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