

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 156 of 2021

- Anshul Tirky S/o Shri Anand Tirky, Aged About 19 Years, R/o Chandaniya Para, Janjgir, Civil and Revenue District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The District Magistrate Janjgir, Civil and Revenue District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Paras Mani Shriwas , Advocate.

For State/Non-applicant – Shri Jitendra Shukla, Panel Lawyer.

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 01-12-2020 in connection with Crime No.515/2020 registered at P.S. – Police Chauki Naila, Police Station Janjgir, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 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. She had been a consenting and willing party in the relationship that has happened. The prosecutrix had willingly gone and resided with the applicant and also submitted for physical relation, therefore, there is no case against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her consent or willingness is immaterial. Hence, the application may be rejected.

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

5. The prosecution case is this, that this applicant on pretext of marrying the prosecutrix had established physical relation with the prosecutrix on numerous occasions. The applicant abducted the prosecutrix on 27-11-2020. Subsequent to which, the missing report was lodged and the prosecutrix was recovered from the custody of this applicant. Hence, this case.

6. Considered on the submissions. After looking to the statement of the prosecutrix given under Section 164 of the Cr.P.C. and other circumstances, 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