

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 582 of 2021**

B. Karuna Kumar S/o B. Satti Babu @ B. Satyanarayan Aged About 26 Years R/o Indira Awas Para Konta, Tahsil Konta, District Sukma (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Konta, 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****03.03.2021**

Heard on admission.

Admit.

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.32 of 2020, registered at Police Station – Konta, District – Sukma, Chhattisgarh for the offence punishable under Sections 376, 506, 363 and 450 of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.9.2020 and has been falsely implicated in this case. The

complainant and the prosecutrix both have no objection in grant of bail to the applicant regarding which, they appeared before the Court below and made a statement and also filed an affidavit for the same. It is informed that the prosecutrix has been examined before the trial Court and she has not supported the prosecution 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 statement of the prosecutrix under Section 164 of the Cr.P.C. is very clear and categoric against the applicant. It is surprising that the prosecutrix and the complainant both are now supporting the bail application. Hence, no case is made out for grant of bail to the applicant.

4. Complainant – Kudiyam Parvati and the prosecutrix are present in person before this Court on notice. They stated that they have 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 committed house trespass in the house of the minor prosecutrix and then abducted her and also raped her by putting her under threat. The applicant continued exploiting the minor prosecutrix sexually for sometime and kept her in his custody in his own house for about one month and thereafter, left the prosecutrix in her house stating that he has lost interest in her.

Subsequently, the FIR has been lodged.

7. Considered the submissions and the documents present in this case. Looking to the statement of no objection from the complainant's side and the development that has taken place in this case, 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