

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 389 of 2021**

Vinod Kumar Sidar S/o Late Kuswaram Aged About 23 Years R/o Vill. Kachanda Thana Jaijaipur, Distt. Janjgir-Champa, Chhattiagarh (Name Of Applicant Wrongly Mentions as Binod In Ordersheet).

---- Applicant**Versus**

State Of Chhattisgarh through Police Station- Jaijaipur, Distt. Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Sharmila Singhai and Shri Mohit Kumar, Advocates.
For the Respondent/State	:	Shri B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.04.2021**

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.30 of 2019, registered at Police Station – Jaijaipur, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 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 11.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further, her statement

under Section 164 of the Cr.P.C. clearly shows that she had herself compelled the applicant to elope with her, therefore, she was willing and consenting party. Hence, there is no case against the applicant, 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 on the date of incident the prosecutrix was minor of age below 18 years, therefore, her willingness and consent are immaterial. The offences registered against the applicant are clearly made out. 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 of age below 18 years, kept her in his custody in different places and also performed sham marriage with her. Thereafter, he continuously exploited the minor prosecutrix sexually knowing well that she is not competent to such consent.

6. Considered the submissions and the documents present in this case. After considering the statement of the prosecutrix under Sections 161 and 164 of the Cr.P.C. and also taking into consideration the other 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