

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 781 of 2021

Hitendra Kumar Chelak, S/o Shri Santosh Chelak, Aged About 19 Years, R/o Ward No. 03, Tilda, Police Station Tilda, Nevra, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Tilda, Nevra, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.

For State/ Respondent : Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17/03/2021

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. 185/2019, registered at Police Station- Tilda, Nevra, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 04.10.2020 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. does not make any allegation against the applicant

regarding commission of offence of rape, therefore, there is no case present against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age only 15 years and 1 month on the date of incident. There is evidence that she has been abducted and raped by this applicant, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Complainant- Laxmi Prasad Sen is present before this Court on notice and he has stated that he has no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that this applicant on pretext of marrying the minor prosecutrix, abducted her and took her to Delhi, where he kept the minor prosecutrix on his custody and exploited her sexually knowing well that she was not capable to give valid consent for such relationship, regarding which, FIR has been lodged against this applicant.
7. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the other circumstances present, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun