

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 444 of 2021**

Amir Khan S/o Juman Khan Aged About 20 Years R/o Lakhanpur, Ward No. 05 Police Station Lakhapur District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Chowki Manipur, Police Station Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri D. Kushwaha, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.04.2021**

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.381 of 2020, registered at police chowki Manipur, Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 376 (3) and 376(2)(N) of the Indian Penal Code and Sections 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The age of the prosecutrix was not below 18 years on the date of incident and she had been a consenting party. 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 was minor on the date of incident and her consent is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the applicant and the prosecutrix were acquainted to each other. On 9.7.2020, this applicant abducted the minor prosecutrix on pretext of marrying her and then by keeping her in his custody had physical relation with her continuously knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

6. Considered the submissions and the documents present in this case. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C., 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

Nimmi