

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 452 of 2021

- Ajeet Sevatkar S/o Raj Kumar Sewatkar, Aged About 20 Years, R/o village -Khutiya, Bango, Post Baka, Naganpur, Police Station -Chourai, District -Chhindwada, Madhya Pradesh.

----Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station -Khamtarai, District -Raipur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Rekhraj Baghel, Advocate.
For Respondent/State	: Mr. Shrikant Kaushik, PL.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

09/07/2021

Heard.

1. On the last date of hearing ie on 25.06.2021, notice under Section 439 (1-A) of the Cr.P.C was issued to the complainant/prosecutrix/victim, which is shown to be served upon father of prosecutrix/victim, but no one appeared on behalf of the complainant/prosecutrix/victim.
2. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.531/2020, registered at Police Station – Khamtarai, District -Raipur, (C.G), for the offence punishable under Sections 363 & 366 of the Indian Penal Code & Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution is that father of minor girl/prosecutrix has lodged the report on 01.11.2020 before concerned Police Station stating therein that his minor daughter went out from the house on 31.10.2020 at about 4:30-5:00 pm without intimating anything to her family members and did not return back. Based upon the complaint, the Police has registered the

missing report. During the course of investigation, girl child/prosecutrix has been recovered from Chindwada (MP) on 04.11.2020 and produced by her family members in the Police Station. Statement of girl child/prosecutrix was recorded under Section 161 of Cr.P.C wherein she stated that she came into contact with the applicant through Face Book and developed love affairs. On 31.10.2020 in the evening, present applicant came near her house, called her and when she met him, he stated that he loves her. On the pretext of marriage, he took her to Chindwada. She further stated that applicant has not committed any other offence with her. Based upon the aforementioned statement, instant crime was registered against the present applicant.

4. Learned counsel for the applicant submits that even after taking into consideration the entire allegations as levelled in the complaint, no case under Section 6 of the POSCO Act would be made out. The girl child/prosecutrix accompanied the applicant on her own wish. He read over the statement of prosecutrix recorded by the Police under Section 161 of the Cr.P.C as well as statement recorded under Section 164 of Cr.P.C in support of his case to argue that there is no allegation of making physical relationship. Learned counsel further submits that applicant is of tender age, he is in jail since 04.11.2020, charge sheet has been filed, conclusion of trial may take some time, hence, he may be released on bail.
5. Learned counsel for the State opposes the submissions made by learned counsel for the applicant, however, he admits that girl child/prosecutrix in her statement recorded under Sections 161 & 164 of Cr.P.C has not made any allegation of making physical relationship against the present applicant.

6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations levelled against the applicant, statements of prosecutrix/girl child under Sections 161 & 164 of Cr.P.C, age and period of detention of applicant, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
 - b) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-