

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 726 of 2021**

Pradeep Dhurve S/o Bhanu Dhurve, Aged About 24 Years R/o Arakshi Nagar Dera Basti, Police Station - Supela, Bhilai, Tahsil And District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - District Magistrate, Durg, District - Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P. Chetan Kumar, Advocate.
For the Respondent/State	:	Shri Adil Minhaj, G.A.
For the Complainant	:	Shri Shrawan Agrawal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.03.2021**

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.636 of 2020, registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence punishable under Sections 376(2)(dha), 313, 363 and 366 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 23.09.2020 and has been falsely implicated in this case. The applicant has not committed any offence. A false FIR has been lodged

against him, therefore, the prosecutrix and the complainant both have no objection in grant of bail to the applicant. 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 there is clear evidence of the minor prosecutrix under Sections 161 and 164 of the Cr.P.C. regarding her sexual exploitation by this applicant, therefore, no case is made out for grant of bail to the applicant.

4. The complainant/ prosecutrix is present before this Court on notice. She made a statement that she has 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, the minor prosecutrix of age below 16 years was being sexually exploited by this applicant since about one year prior to lodging of FIR on 22.9.2020, as a result of which, the prosecutrix became pregnant. She has alleged that the applicant administered some medicine to her because of which, the pregnancy was aborted.

7. Considered the submissions and the facts that are present in the case. Looking to the statement of no objection made by the prosecutrix herself, 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