

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 985 of 2021

- Hasan Ali @ Ali Hasan, S/o Late Shri Din Mohammad, Aged About 24 Years Caste Musalman, R/o Petar Bazar, Police Station Rehra, Tahsil Utrola, District Balrampur (U.P.) At Present R/o Amalidih, Ward No. 52, House Of Anwar Khan, Police Station New Rajendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station-Balouda, Civil and Revenue District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogeshwar Sharma, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/08/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.90/2019 registered at Police-Station-Balouda, District-Janjgir-Champa(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC .
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

14.10.2020. Charge-sheet has been filed. The statement of the prosecutrix under Section 164 CrPC clearly shows, that she and the applicant had an affair and they had willing and consensual relationship for some time, therefore, there is no case against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of prosecutrix had been only 16 years and 10 months, therefore, her willingness and consent is immaterial, hence, the application be rejected.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of High Court on notice. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years, took her to various places and had physical relation with her, knowing well that she was not capable to give consent for such relation being minor
7. Considered on the submissions and after looking to the statement of prosecutrix under Section 164 CrPC and also that the complainant has no objection in grant of bail to the applicant, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha