

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1120 of 2021**

Jeevan Kujur, S/o. Lundar, aged about 26 years, residence of Village-Hanspur Baigapara, P.S. Karaudha, District – Balrampur - Ramanujanj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Kusmi District Balrampur Ramanujanj Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2021

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.140/2020, registered at Police Station – Kusmi, District – Balrampur – Ramanujanj (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. There had been love affair between the applicant and the prosecutrix, therefore, the prosecutrix had herself eloped with the applicant. No offence is made out against the applicant. The applicant is in jail since 05.01.2021. Therefore, it is prayed that the applicant may be released 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 of age below 16 years and her consent and willingness is immaterial, therefore, the application be rejected.

4. Notice issued to the complainant was returned served and the complainant had appeared before this Court on 19.03.2021 and objected to grant bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, the applicant and the minor prosecutrix were known to each other. It is alleged that this applicant abducted the minor prosecutrix on the pretext of marrying her and then exploited her sexually, which amounts to commission of offence of rape.
7. Considered on the submissions and the facts present in the case and also the statement that has been given by the prosecutrix in the investigation, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge