

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1005 of 2021**

Vivek Nag, S/o. Ramvilas Nag, aged about 23 years, resident of Pasta, Police Station Pasta, District Balrampur - Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Pasta, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.
For Complainant	: Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/03/2021**

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.69/2020, registered at Police Station – Pasta, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the Indian Penal Code and Section 4, 6 of the 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. The prosecutrix was not minor on the date of incident and the relationship of the applicant with the prosecutrix was consensual. False FIR has been lodged against this applicant. 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 statement of the prosecutrix is clearly against the applicant making allegation of commission of offence of abduction and rape, therefore, the application be rejected.
4. Counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that the minor prosecutrix had an affair and physical relation with the applicant since 2015. The applicant used to exploit her sexually on the pretext that he will marry her in future then he deserted her, therefore, FIR has been lodged.
7. After considering on the submissions and also the statement of no objection made by the complainant side, this Court is of the opinion that present is a fit case, in which, the applicant 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