

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1014 of 2021

Anil Kumar Kanwar, S/o Budhwar Singh, Aged About 20 Years, R/o Sattigudi, Outpost Pantora, District- Janjgir - Champa (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through : District Magistrate, District- Janjgir - Champa (C.G.)

--- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For State/ Respondent : Mrs. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/02/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 337/2021, registered at Police Outpost- Pantora, Police Station- Baloda, District- Janjgir- Champa (C.G.) for the offence punishable under Section 366, 376 of IPC and Section 4, 6 of

the Protection of Children from Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 26.12.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further, relationship of the applicant and the prosecutrix was based on consent, which is reflected from her statement under Section 164 of the Cr.P.C. No case is made out against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 18 years, therefore, any willingness and consent on her part is of no consequence. No case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that the applicant and the minor prosecutrix both were acquainted to each other. The applicant on pretext of marrying the prosecutrix, started having physical relation with her. When the applicant refused to marry her, FIR has been lodged.
10. Considered on the submissions and the facts present in this case. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and also the other circumstances present, I am of this view that it would be proper

to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. It is directed that the 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