

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1050 of 2021**

Satish Kumar Bada S/o Piyar Sai Aged About 18 Years R/o Ghorgodi,
Barpara, P.S.- Rajpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Rajpur, District- Balrampur-
Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Pushkar Sinha, Advocate.
For the Respondent/State	:	Shri Afroj Khan, P.L.
For the Complainant	:	Shri Jay Prakash Shukla, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.03.2021**

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.225 of 2020, registered at Police Station – Rajpur, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code and Sections 5 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 16.11.2020 and has been falsely implicated in this case. FIR lodged against the applicant is totally false. The prosecutrix and her uncle (complainant) were present before the Sessions Court making a statement

of no objection, which was not considered. 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 the prosecutrix was minor on the date of incident and her consent and willingness is immaterial. Hence, the applicant is not entitled for grant of bail.

4. The complainant who is represented by counsel has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The prosecution case is that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts that are present in the case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the statement of no objection from the complainant side, 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