

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1086 of 2021**

Srawan Kumar S/o Late Chhatradhari Panika Aged About 25 Years R/o Sudamanagar, Police Chouki Karnji, P.S. Vishrampur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Pasta, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri A.K. Yadav, Advocate.

For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.07.2021**

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.88 of 2020, registered at Police Station – Pasta, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 26.11.2020 and has been falsely implicated in this case. The

prosecutrix was not minor on the date of incident. Further, her statement under Section 164 of the Cr.P.C. shows that she had been willing and consenting party. 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, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Balrampur. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix and then taking her to different places he has exploited her sexually knowing well that she is not competent to give such consent. The prosecutrix happens to be a member of scheduled tribe.

7. Considered the submissions and the facts present in this case. After taking into consideration the diary statement of the prosecutrix and her statement of no objection, 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