

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1363 of 2021**

Ashwani Kumar Rajput S/o Bhuvan Rajput Aged About 20 Years R/o
Vinayka, Police Chowki - Maro, District Bemetara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Nandghat, District Bemetara Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.03.2021**

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.256 of 2020, registered at Police Station – Nandghat, District – Bemetara, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 5(tha) 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 14.10.2020 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 of age below 18 years on the date of incident, therefore, any consent or willingness on her part is of no consequence. Hence, no case is made out for grant of bail to the applicant.

4. Complainant – Ramdulari Turkane is present before this Court on notice alongwith the prosecutrix. He 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and performed marriage with her knowing well that she is not competent to give such consent.

7. Considered the submissions and the facts that are present in the case. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and no objection of the complainant, 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