

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1582 of 2021

- Mahadev Sakat S/o Barsati Sakat, Aged About 23 Years, R/o Village - Taregaon, Police Station - Taregaon Jungle, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Taregaon Jungle, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For State/Non-applicant – Shri Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-01-2021 in connection with Crime No.01/2021 registered at Police Station – Taregaon Jungle, District - Kabirdham, Chhattisgarh for the offence under Section 450, 363, 366, 376(2) (n) of the IPC, Section 4, 5, 6 of Protection of Children from Sexual Offences Act, 2012 & Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor on the date of incident. There had been love affair between the applicant and the prosecutrix, therefore, they eloped and resided together for sometime. Only for the reason that the applicant has deserted the prosecutrix, this false FIR has been lodged. The applicant is in jail since 03-01-2021. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident the prosecutrix was minor, therefore, any

consent on her part is immaterial. Hence, the application may be rejected.

4. Notice was issued to the complainant/prosecutrix which is served, but there is no appearance and representation.

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

6. According to the prosecution case, the applicant enticed the minor prosecutrix of age below 18 years on promise to marry her and then he abducted her, took her to Raipur where he resided with her for sometime in a rented house and exploited her sexually. Subsequently, the applicant brought the prosecutrix to Taregaon, where he left and deserted her. Hence, the FIR was lodged.

7. Considered on the submissions and the facts present in the case and I am of this view that the applicant should be granted regular bail.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge