

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1675 of 2021**

Shitlesh S/o Santosh Sonwani Aged About 21 Years R/o Imaliduggu
(Wrongly Mentioned As Imaiduggu) Police Station Kotwali District Korba
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station Kotwali District
Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.03.2021**

Heard on admission.

Admit.

Learned State counsel submits that the case-diary is available.

Both the counsels have agreed to make the submissions.

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.821 of 2020, registered at Police Station – Kotwali, District – Korba, Chhattisgarh for the offence punishable under Sections 363, 366-A and 376(2)(N) of the Indian Penal Code and Sections 4 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 18.12.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further, the applicant and the prosecutrix both had love affair, they eloped and got married. 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, the application be rejected.

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

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then after performing sham marriage with her he had physical relation with her on several occasions knowing well that she is not competent to give such consent.

6. 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., I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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