

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1624 of 2021**

Sanjit @ Buntty Giri Goshwami S/o Bahadur Giri Goshwami Aged About 22 Years R/o Rest House Ke Piche Sitamani Korba District Korba Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant	:	Shri Vikas Pandey, Advocate.
For the Respondent/State	:	Shri Gurudev I. Sharan, G.A.
For the Complainant	:	Shri Pramod Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.04.2021**

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.84 of 2021, registered at Police Station – Kotwali, Korba, 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 3.2.2021 and has been falsely implicated in this case. The parents of the prosecutrix had filed an affidavit in support of the bail application before

the Sessions Court but the same was not considered and the bail application was rejected. The applicant has not committed any offence. The statement of the prosecutrix under Section 161 of the Cr.P.C. also shows that she was willing and consenting party. Hence, there is no case against the applicant, 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 on the date of incident the prosecutrix was minor of age below 18 years. Further, looking to her diary statement, the applicant is not entitled for grant of bail.

4. Learned counsel for the complainant submits that the complainant 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 of age below 16 years, kept her in his custody and also exploited her sexually knowing well that she is not competent to give such consent.

7. Considered the submissions and the documents present in this case. Taking into consideration the diary statement of the prosecutrix and also the statement of no objection made by 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