

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1664 of 2021**

Jai Prakash Bhatt, S/o. Radheshyam Bhatt, aged about 21 years, R/o. Village Belgahana, Police Station – Takhatpur, Tahsil – Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate

For Respondent/State : Mr. Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/03/2021**

1. Heard.
2. Admit.
3. At the consent of the learned counsel for both the parties, the matter is heard finally.
4. 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.290/2019, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366 (A), 376 of the Indian Penal Code

and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

5. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further there had been an affair and throughout the prosecutrix had been a consenting party, which is reflected from her statement under Section 164 of Cr.P.C. Hence, it is prayed that the applicant may be released on bail.
6. 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, therefore, her willingness and consent is immaterial. The case registered against the applicant is made out. Hence, it is prayed that the application be rejected.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. Case of the prosecution is this that this applicant abducted the minor prosecutrix of age below 18 years and then he also performed a sham marriage with her. Subsequent to which, he started having physical relation with the minor prosecutrix, as a result of which, a child has also born to them. Father of the prosecutrix has lodged the FIR.
9. Considered on the submissions and the statement of the prosecutrix under Section 164 of Cr.P.C. Considering the same, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
11. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram