

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1758 of 2021

Jitendra @ Aman Verma, S/o Dukalu Verma, Aged About 21 Years, R/o Jarve, Police Station Palari Baloda Bazar, District- Baloda Bazar-Bhatapara (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police of Police Station- Palari, District- Baloda Bazar-Bhatapara (C.G.)

--- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For State/ Respondent : Ms. Meenu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09/03/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 450/2020, registered at Police Station- Palari, District- Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of the Protection

of Children from Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 20.01.201 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and her relation with the applicant was based on consent. The prosecutrix and her parents have given affidavit in support of the applicant before the Sessions Court, mentioning that age of the prosecutrix is 19 years and that no such incident has occurred as alleged by the prosecution, which was not considered by the Sessions Court. Hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that the statement of the prosecutrix reveals that she was minor on the date of incident, therefore, any consent or willingness on her part, is immaterial. The offence registered against the applicant are made out, hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that the applicant and the minor prosecutrix both were acquainted to each other and they also had liking to each other. It is alleged that on 19.11.2020, the applicant abducted the minor prosecutrix and performed marriage with her then, both were living together and also having physical relation with each other. The prosecutrix was then recovered from custody of this applicant, regarding which, FIR

has been lodged against the applicant.

10. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix that has been given by her in the investigation and also the other circumstances present, I feel inclined to allow the bail application of this applicant.
11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge