

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1725 of 2021**

Dinesh Tandi S/o Parmeshwar Tandi Aged About 23 Years R/o Village
Siletpara Police Station Mudibahar District Balangir (Orissa), Orissa.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station GRP
Bhilai District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri Vivek Kumar Kashyap, Advocate.
For the Respondent/State : Shri Afroz Khan, 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.86 of 2020, registered at Police Station – GRP Bhilai, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 15.12.2020 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly reflects

that she invited the applicant and then left with him to Raipur where both of them stayed for five days and also had physical relation. 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 on the date of incident and her consent is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

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 by keeping her in his custody he exploited her sexually knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

6. Considered the submissions and the facts that are present in the case. After considering 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

Nimmi