

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2024 of 2021**

- Mahesh S/o Shivilal Aged About 22 Years R/o Village Khadadorna, Police Station Sitapur, District Surguja Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sanjay Pathak, Advocate.
For Respondent-State	:	Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

29.06.2021

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 25.08.2020 in connection with Crime No. 110/2020 registered at Police Station Sitapur, District – Surguja (C.G.) for the offences punishable under Sections 363, 366, 376 (2)n of Indian Penal Code and Section 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2-5), 3(1)b(i) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. 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 her statement under Section 164 of Cr.P.C shows that she was willing and a consenting party, hence, the Applicant may be granted the bail.
3. The learned counsel for the State opposes the bail application and submits that prosecutrix was a minor of age below 18 years. Thus, she was not capable for giving consent, therefore, the application for bail may be

rejected.

4. The prosecutrix is virtually present before this Court through District Legal Services Authority (DLSA), Ambikapur. She has no objection to the grant of bail to this Applicant.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, it is alleged that the Applicant abducted the minor prosecutrix and took her to different places where he had made physical relation with the prosecutrix knowing that she is minor and not capable to give consent. After that, the prosecutrix has been recovered by the Police.
7. Considered on these submissions. Taking into consideration, the facts and circumstances of the case and also the fact that the prosecutrix herself has no objection to grant of bail to this Applicant, I am inclined to allow this bail application. The application is allowed.
8. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. 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 Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge