

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1752 of 2021**

Sanjeev Kumar Suryavanshi S/o Ramkhilawan Suryavanshi Aged About 28 Years R/o Village - Pandripara (Ghutku), Police Station Koni, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sakri, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate.
For the Respondent/State	:	Smt. Smriti Shrivastava, P.L.
For the Objector	:	Shri Tarun Dansena, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2021**

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.74 of 2019, registered at Police Station – Sakri, District – Bilaspur, 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 11.2.2021 and has been falsely implicated in this case. There had been an affair and relation between the applicant and the prosecutrix which was based on consent. The prosecutrix was not minor at the time of

incident, therefore, the consent given was valid. The applicant and the prosecutrix both are married. Further, the prosecutrix and her mother both have no objection in grant of bail to the applicant. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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. Shri Tarun Dansena, Advocate for the complainant submits that a written no objection has been given by the prosecutrix and her mother in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody he has exploited her sexually knowing well that she is not competent to give such consent because of which, she became pregnant then the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the development that has taken place i.e. the prosecutrix and her mother has filed a written no objection in favour of the applicant, 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