

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1856 of 2021

Bhagvat Tarak, S/o Derharam Tarak, Aged About 18 Years, R/o Village Jaunda, Chouki Champaranya, Police Station- Gobra Navapara, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Police Station- Gobra Navapara, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For State/ Respondent : Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16/03/2021

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. 383/2020, registered at Police Station- Gobra Navapara, District- Raipur (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 06.01.2021 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. There had been love affair between the applicant and the prosecutrix and their relation was based on consent. In further development, the applicant and the prosecutrix both have performed marriage and were living together before the applicant was arrested. The prosecutrix and her father, both had appeared before the Sessions Court and made statement of no objection, but the same was not considered in the bail rejection order. 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 prosecutrix was minor of age below 18 years on the date of incident, therefore, any willingness or consent on her part, is immaterial. 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 abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually, regarding which, FIR has been lodged against the applicant.
10. Considered on the submissions and the facts present in this case. Considered of the statement that has been given by the

prosecutrix under Section 164 of the Cr.P.C. and also there is mention about appearance of the prosecutrix and her father before the Sessions Court for making statement of no objection in the rejection order. For these reasons, 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