

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1959 of 2021**

Ritesh Dewangan, S/o. Manoj Dewangan, aged about 24 years, R/o. Shaheed Veer Narayan Singh Nagar, Kursipar, Bhilai, District Durg (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station-Khurshipar, District Durg (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**18/03/2021**

1. Admit.
2. At the consent of the learned counsel for both the parties, the matter is heard finally.
3. 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.578/2020, registered at Police Station – Khurshipar, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

4. 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 and there had been an affair between the applicant and the prosecutrix and they have also performed marriage. False FIR has been lodged by the mother of the prosecutrix. The applicant is in jail since 07.12.2020. Therefore, it is prayed that the applicant may be released on bail.
5. 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 being minor was not capable to give valid consent, therefore, the offences registered against the applicant are made out. Hence, it is prayed that the application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Case of the prosecution is this that this applicant abducted the minor prosecutrix, performed sham marriage with her and then exploited her sexually knowing well that she was not capable for giving valid consent.
8. Considered on the submissions and looking to the statement of the prosecutrix under Section 164 of Cr.P.C., this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram