

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2057 of 2021**

Rajesh Baghel @ Rajesh Raj Baghel, Son of Shri Vinod Baghel, aged about 32 years, Resident of Baisonda, P.S. Kotwali, District Mahasamund (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Kharora, District Raipur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. A.D. Kuldeep, Advocate
For Respondent/State	: Mr. Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/03/2021**

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.388/2020, registered at Police Station – Kharora, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
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 and she was a consenting party. The applicant is in jail since 21.11.2020. Hence, it is prayed that the applicant may be released 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 of age below 18 years, therefore, any consent or willingness on her part is of no consequence. Therefore, the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution is this that this applicant abducted the minor prosecutrix on the pretext of marrying her and then he also performed sham marriage and then exploited her sexually while keeping her in his custody.
6. Considered on the submissions. Looking to the statement of the prosecutrix under Section 161 and 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.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge