

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2009 of 2021

- S. Kumar Sinha S/o Shri Shanker Lal Sinha, Aged About 23 Years R/o Village Bhalesar P.S. And Tahsil Mahasamund, District Mahasamund (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent-State	:	Shri Anil Tripathi, Panel Lawyer

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

28.06.2021

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 16.02.2021 in connection with Crime No. 636/2018 registered at Police Station Mahasamund District – Mahasamund (C.G.) for offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 04, 06 of 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 statement of prosecutrix clearly shows that she and the Applicant both have a consensual relationship. The prosecutrix was not minor. The Applicant intends to challenge the ground of minority of prosecutrix in trial. Hence, this application may be allowed.
3. The learned counsel for the State opposes the submissions and submits that the age of prosecutrix was only 13 on the date of incident, therefore she is not capable to give consent, hence, application be rejected.

4. The prosecutrix had virtually appeared before this Court on 16.06.2021 and stated that she has no objection in granting bail to the 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 of the age below 16 years, regarding which a missing report was lodged then the prosecutrix was recovered from the custody of this Applicant. According to the statement given by her the case is registered against the Applicant.
7. Considered on these submissions. The rejection order also shows that the mother of the prosecutrix had appeared before the Session Court and filed application with affidavit making no objection in grant of bail to the Applicant. Similarly, the prosecutrix has herself made a statement of no objection before this Court. Hence, looking to this circumstance of the case, 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