

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2546 of 2021**

Ritik Jaiswal @ Golu S/o Umesh Jaiswal Aged About 18 Years R/o Bouripara, P. S. Ambikapur, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, P. S. Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.06.2021**

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.9 of 2021, registered at Police Station – Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.1.2021 and has been falsely implicated in this case. The prosecutrix is not minor and there had been an affair between the applicant and the

prosecutrix. The FIR lodged and the statement recorded by the prosecutrix is false. Hence, it is prayed that the applicant be enlarged 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 there is clear evidence against the applicant regarding the commission of offence as alleged. Hence, no case is made out for grant of regular bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Ambikapur, District Surguja. She made a statement that she has no objection 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, on the date of incident this applicant abducted the minor prosecutrix of age below 16 years, kept her in his custody and then forcibly had physical relation with her after putting her under threat. The prosecutrix is a member of Scheduled Tribe.

7. Considered the submissions and the documents present in this case. Looking to the statement of no objection given by the prosecutrix, 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

Nimmi