

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2403 of 2021**

- Dilip Kumar Patre, aged 22 years S/o Naresh Patre R/o Phooljhar (Foolwari) Outpost Chilfi, P.S. Lormi, District Mungeli (C.G.)

**---- Applicant**

**Versus**

- State Of Chhattisgarh through Officer-in-charge of Police Station Fastarpur, District Mungeli (C.G.)

**---- Respondent**

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| For Applicant        | : | Mr. Pallav Mishra, Advocate          |
| For Respondent/State | : | Ms. Smriti Shrivastava, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**25/06/2021**

Heard.

1. This is the *first* bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 178/2020 registered at Police Station Fastarpur, District Mungeli (C.G.) for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of the incident. The FIR lodged in this case is also delayed. The statement of the Prosecutrix shows that she was the willing and consenting party, therefore, no offence is made out against the applicant. Another co-

accused person has already been enlarged on bail by this Court itself.

He prays to enlarge this applicant on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the applicant is the main accused who had abducted the prosecutrix and subsequently exploited the minor prosecutrix sexually, therefore, the applicant is not entitled to get bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, this applicant had abducted the minor prosecutrix with the assistance of the other co-accused persons. He kept the prosecutrix in his custody and exploited her sexually knowing well that the prosecutrix was not capable to give her consent.
6. Considered on the submissions. As the case is pending for trial and there is no progress in the trial, the applicant is in jail since 13/01/2021 and other co-accused persons have been enlarged on bail, I feel inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge