

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2424 of 2021**

Tejesh Dongre, S/o. Prashant Dongre, aged about 22 years, R/o. IHSDP Colony, Bombay Awas, Urla, District- Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station- Mohan Nagar, District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Ms. Nupur Sonkar, Advocate

For Respondent/State : Mr. Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/08/2021

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.602/2020, registered at Police Station – Mohan Nagar, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 (3) of the Indian Penal Code and Section 5, 6 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 applicant is in jail since 17.12.2020. The statement of the prosecutrix under Section 164 of Cr.P.C. clearly shows that she was willing and consenting party,

who herself willingly left with the applicant stayed in Delhi for about one year and had physical relation with the applicant, which resulted in her pregnancy. The prosecutrix was not minor on the date of incident. Therefore, there is no case present against the applicant. 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 although he submits that the case diary is not available.
4. State counsel has been granted three opportunities for calling the case diary, which has not been received till date.
5. The notice issued to the complainant, which was returned served for 03.08.2021, but there was no appearance and no representation from the complainant side.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the rejection order, filed along with the application, it is alleged that this applicant allured the minor prosecutrix with false promise to marry her and then he abducted her and took her to Delhi, where he kept her for almost one year and exploited her sexually as a result of which, she became pregnant. Subsequent to which, the applicant brought back to the victim to her place of residence and refused to marry her. Hence, FIR has been lodged.
8. Considered on the submissions. After considering on the submissions and looking to the nature of allegation against the applicant and also looking to the statement of the prosecutrix under Section 164 of Cr.P.C., as mentioned in the rejection order, 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