

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2383 of 2021**

Rakesh Verma, S/o. Asharam Verma, aged about 21 years, R/o. Village-
Adaar, Police Station- Nandghat, District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station-
Nandghat, District- Bemetara (C.G.)

---- Respondent

For Applicant : Mr. Vivek Singhal, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/03/2021

Heard.

1. Admit.
2. At the consent of both the parties, the matter is heard finally.
3. 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.431/2019, registered at Police Station – Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 (2) (j) (n) of the Indian Penal Code and Section 5 (ब) and 6 of the Protection of Children from Sexual Offences Act, 2012.

4. 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. Further she has willingly accompanied, travelled and resided with the applicant in various places and also submitted for physical relation, therefore, the relationship was based on consent. Hence, it is prayed that the applicant may be released on bail.
5. 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 on the date of incident and therefore, her consent and willingness is immaterial. Hence, the applicant is not entitled to be released on bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. Case of the prosecution is this that this applicant abducted the minor prosecutrix on 23.12.2019, took her to various places, where both of them resided together as husband and wife during which, the applicant sexually exploited the prosecutrix. The prosecutrix was then recovered on 25.11.2020. Hence, this case.
8. Considered on the submissions. Looking to the long period of staying together of the applicant with the prosecutrix and also looking to the statement of the prosecutrix under Section 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.
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 today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram