

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2429 of 2021**

Jeetu @ Jeet Kumar Akka, S/o. Sunder Ram, aged about 18 years, R/o. Village Jhingajhakiya (wrongly written as Jhiganjhkiya), Police Chwoki Kedma, Police Station Udaypur, District Surguja Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. S.D. Singh, Advocate

For Respondent/State : Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2021**

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.81/2021, registered at Police Station – Kotwali, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code, 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 31.01.2021. Charge-sheet in this case has been filed. The statement of the prosecutrix under Section 164 of Cr.P.C. and statement, before the Child Welfare Committee, the prosecutrix has stated that she herself went to the house of the applicant, resided with him for about two months and had physical relation consensually. Therefore, no case is made out against this 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. It is submitted that statement of the prosecutrix under Section 161 of Cr.P.C. is clearly against the applicant and further the prosecutrix is of age below 16 years, therefore, the application be rejected.
4. Notice was issued to the complainant for appearance before this Court on 27.07.2021, but there was no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and also had physical relation with her knowing well that she was not capable to give consent.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C. and also the statement before the Child Welfare Committee, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge