

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2534 of 2021**

Satyajeet @ Gowinda Gada, S/o. Mahesh Netam (Wrongly mention Mahesh Ram Gada), aged about 21 years, R/o. Village Hathbay, Police Station Gariaband, Civil and Revenue District Gariaband Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - City Kotwali, Gariaband, Civil and Revenue District Gariaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devesh G. Kela, Advocate
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/08/2021**

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.276/2020, registered at Police Station – City Kotwali, Gariaband, District – Gariaband (C.G.) for the offence punishable under Section 363, 366 & 376 (2) (n) of the Indian Penal Code and Section 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 14.12.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, 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 on the date of incident, the prosecutrix was below 16 years, therefore, any willingness or consent on her part is immaterial. Therefore, the application be rejected.

4. Notice was issued to the complainant, which has been returned served for the fixed date 29.07.2021, but there is no representation from complainant side.
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 of age below 16 years and kept her in his custody and had physical relation with her knowing well that she was not capable to give valid consent.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix and it appears that she has partly not supported the prosecution case, hence, looking this development in the trial, 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