

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2592 of 2021**

- Ravikant Dubey S/o Ramnihor Dubey Aged About 32 Years R/o Village - Ganjar, P.S. Janakpur, District Koriya, (C.G.)

---- Petitioner

Versus

- State Of Chhattisgarh Through - Police Station -Janakpur, District - Koriya C.G., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For the applicant : Mr. Pushkar Sinha, Adv.

For respondent/State : Mr. B. P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06.04.2021**

1. Heard.
2. Admit.
3. At the consent of both the parties, the matter is heard finally.
4. 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.169/2020, registered at Police Station- Pandari District- Raipur(C.G.) for the offence punishable under Section 341, 148, 149, 294, 323, 325, 506, 302 of Indian Penal Code and Section 25, 27 of Arms Act.
5. It is submitted by the learned counsel for the applicant that the applicant is innocent and he has been falsely implicated in this case. The incident has occurred in 2014, although the charge- sheet has been filed in absconsion of this applicant, but in fact this applicant had not absconded, actually he had been to different places to earn livelihood. After coming back and knowing about this case, applicant has himself surrendered before the Court. The prosecutrix was not minor on the date of incident and further she was a consenting party to the entire incident. Therefore, it is prayed that the applicant may be

granted bail.

6. On the other hand, learned counsel for the State opposes the bail application and submits that there is evidence regarding the commission of offences registered against the applicant. The prosecutrix was minor on the date of incident and any consent or willingness on her part is immaterial. Hence, the applicant is not entitled for grant of bail.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. Case of the prosecution is that this applicant abducted the minor prosecutrix, aged below 18 years on 20.02.2013. The applicant kept her in his custody and took her to different places and exploited her sexually by making physical relation with her knowing well that she was not capable to give valid consent. Prosecutrix was recovered on 09.08.2013. As the applicant had absconded therefore the charge-sheet was filed on 03.12.2016 in his absconsion. The applicant has been arrested on 12.01.2021.
9. Considered on the submissions. Looking to the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. and taking into consideration the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which the applicant should be enlarged on regular bail.
10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
11. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge