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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2849 of 2021

- Jalendra Nag (wrongly mentioned as Jelendra Nag in order sheet) S/o Shri Madhu Nag, Aged About 19 Years, R/o Village: Palligaon Thothapara, Police Station Parpa, District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station : Parpa, District : Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Ashok Kumar Komra, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-03-2021 in connection with Crime No.55/2021 registered at Police Station – Parpa, District Bastar, Chhattisgarh for the offence under Section 363, 366(A), 376 of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 17-03-2021. Charge sheet has been filed. The applicant had suffered an accident and he was residing with his relatives in Kotpad, Odisha for his treatment. The prosecutrix had on her own will gone to visit the applicant and stayed there for some time. Hence, no offence has been committed as it is alleged. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is minor of age below 18 years and further, there is evidence regarding her sexual exploitation by the applicant, therefore,

her consent and willingness is immaterial. Hence, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 20-07-2021 on notice and objected to grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and also exploited her sexually on pretext of marrying her.

7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 161 of the Cr.P.C. and other circumstances, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge