

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2647 of 2021**

- Khileshwar Devangan, S/o Rambhajan, aged about 19 years & 6 months, R/o Gopiband para, Pandariya, P.S. Pandariya, District – Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Pandariya, District Kabirdham (C.G.)

---- Non-applicant

For Applicant	:	Shri F.S. Khare, Advocate.
For Non-applicant/State	:	Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****02.07.2021**

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 07.02.2021 in connection with Crime No. 244 of 2020 registered at Police Station Pandariya, District Kabirdham (C.G.) for the offences punishable under Sections 363, 366, 376 (2) (n) of Indian Penal Code and under Sections 4, 6 of Protection of Children from Sexual Offences Act, 2012 and under Sections 3/181, 5/180, 146/196 of Motor Vehicles Act.
2. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. The prosecutrix has clearly stated in her statement under Section 164 of Cr.P.C that she had herself gone with the Applicant and the Applicant has not done anything wrong with her, hence, the Applicant may be granted the bail.

3. The learned counsel for the State opposes the bail application and submits that prosecutrix was a minor. Thus, she was not capable for giving consent, therefore, the application for bail may be rejected.
4. Notice was issued to the complainant who has given appearance on 10.05.2021 with the help of DLSA Pandariya, District Kabirdham (C.G.) and objected to grant of bail to the Applicant.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, it is alleged that the Applicant abducted the minor prosecutrix and took her to Madhya Pradesh where he kept her in his custody in a rented housed and had physical relation with the prosecutrix knowing that she is minor and not capable to give consent.
7. Considered on these submissions. Taking into consideration, the statement of the prosecutrix under Section 164 of Cr.P.C, I am inclined to allow this bail application. The application is allowed.
8. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. 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.

Certified copy as per rules.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge