

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2674 of 2021**

Anil Kashyap S/o Lakhamu Kashyap Aged About 25 Years R/o Village Potanar Pujari Para Police Station Bandaji District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station Kuakonda District Dantewada Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.06.2021**

Heard.

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.20 of 2020, registered at Police Station – Kuakonda, District – Dantewada, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.9.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The prosecutrix and her father both have no objection in grant of bail to the applicant. Hence, it is prayed that the applicant be enlarged 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 the prosecutrix was minor on the date of incident and her consent is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

4. Complainant – Ramlal Markam and the prosecutrix are present before this virtual Court through the Help-Desk of the DLSA, Dantewada, District Dantewada. They made a statement that they have no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody he has exploited her sexually knowing well that she is not competent to give such consent because of which, she became pregnant then the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the statement of no objection given by the complainant and the prosecutrix, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi