

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2973 of 2021

- Raju Jangde S/o Balram Jangde, Aged About 24 Years, R/o Patori (Belar), P.S. Fingeshwar, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Panduka District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant – Mr. S.P. Sahu, Advocate.

For State/Non-applicant – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2021

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 17-12-2020 in connection with Crime No.127/2020 registered at Police Station – Panduka District Gariyaband, Chhattisgarh for the offence under Section 363, 366, 376 (2) (ॢ) of the IPC and Section 6 of the 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 since 17-12-2020. The statement of the prosecutrix under Section 164 of the Cr.P.C. shows that the prosecutrix was willing and consenting party. Hence, there is no case present against this applicant. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was below 16 years, therefore, any consent given by her is immaterial. Hence, the application may be rejected.
4. The prosecutrix is virtually present through Help Desk of the High Court. She has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in custody and had physical relation with her knowing well that she was minor and not capable of giving consent.
7. Considered on the submissions. After taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. which appears to be an improvement from her previous statement, 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