

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3098 of 2021**

- Ashish Kumar Netam S/o Maso Ram Netam, Aged About 23 Years, R/o Bhaju Para, Post Bhopal, Gidam, District- South Bastar Dantewada (Chhattisgarh) (The details of the name of the applicant is not mentioned in the impugned order, the same is mentioned as per bail application filed before the court below), District : Dantewada, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police of Police Station - Bhairamgarh, District- Bijapur (Chhattisgarh), District : Bijapur, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For State/Non-applicant – Shri Sameer Oraon, Govt. Advocate.

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

**30-06-2021**

Heard on default.

The prosecutrix is virtually present before this Court through Help Desk of DLSA Dantewada represented by her counsel Shri Satyanarayan Karma. Therefore, the default pointed is waived.

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 09-03-2021 in connection with Crime No.08/2021 registered at Police Station – Bhairamgarh, District- Bijapur, Chhattisgarh for the offence under Section 363, 376 r/w 34 of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 09-03-2021. Charge sheet has been filed and the trial in the case is not taking any progress. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was only 13 years, therefore, she

was not capable to given any consent for any relation. Hence, the application may be rejected.

4. Shri Satyanarayan Karma, counsel representing the prosecutrix submits that the prosecutrix has no objection in 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 exploited her sexually knowing well that she was not capable of giving consent.

7. Considered on the submissions and looking to this development that has taken place on the basis of the statement given by the prosecutrix herself, 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**