

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3142 of 2021

- Sahid Khan S/o Aziz Khan, Aged About 24 Years, R/o Village Harigawan Mangrherpara, Police Chowki Balangi, Police Station Raghunathnagar, District Balrampur-Ramanujanj (C.G.), District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station: Raghunathnagar, District Balrampur-Ramanujanj (C.G.), District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Arun Kumar Shukla, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-08-2021

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 03-03-2021 in connection with Crime No.34/2021 registered at P.S. - Raghunathnagar, District Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 363, 366, 376(2)(N) of the IPC and Section 4, 6, 8 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 03-03-2021. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. both reveal that the prosecutrix had been willing and consenting party and also that she was not minor on the date of incident. The prosecutrix has married with this applicant and she is residing with her in-laws. 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 was minor on the date of incident, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Balrampur. She has no objection in grant of bail to this applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was not capable to give consent being minor. The prosecutrix has become pregnant during continuation of this incident.

7. Considered on the submissions and the facts of the case and also considered on the statement of the prosecutrix given under Section 164 of the Cr.P.C. Further, looking to the statement of no objection of 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