

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3342 of 2021

- Krishna Kurre S/o Shri Kanhaiya Kurre, Aged About 18 Years, R/o Village Gullu, Police Station Arang, Tahsil Arang, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Arang, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Govind Dewangan, Advocate on behalf of Shri C.P. Lahrey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-06-2021

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 15-03-2021 in connection with Crime No.61/2021 registered at Police Station – Arang, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of 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. The statement of the prosecutrix under Section 164 of the Cr.P.C. reveals that she was a willing and consenting party. The ground of minority of the prosecutrix will be challenged in trial. 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 15 years at the time of incident, therefore, her consent and willingness is of no consequence. Hence, the application may be rejected.

4. Notice was issued to the complainant which has been returned served for date 17-06-2021, but there is no appearance and no representation on their behalf.

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 by having physical relation with her knowing well that she was not capable of giving consent.
7. Considered on the submissions. After considering on the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances present, 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