

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3395 of 2021

- Amrit Lal Narang S/o Late Chait Ram Narang, Aged About 20 Years, R/o Village Kormi, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Ravindra Kumar Agrawal, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2021

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 12-05-2021 in connection with Crime No.202/2021 registered at P.S. - Sirgitti, Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376(2)(a) of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. Although there is statement of the prosecutrix against the applicant under Section 161 of the Cr.P.C., but in her statement under Section 164 of the Cr.P.C. she has totally omitted to make any statement regarding physical relation with the applicant. The applicant is in jail since 12-05-2021 and there is no case present against him. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix was only 14 years and therefore, she was not capable of giving consent for any physical relation. Hence, the

application may be rejected.

4. Complainant Son Bai Mandale is virtually present through Help Desk of the High Court. 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, the applicant and the prosecutrix both were having affair. On 08-05-2021, the prosecutrix had some quarrel with her mother, because of which she left the house with this applicant who took her to some place where he had physical relation with her knowing well that she was of age below 16 years and not capable of giving consent. Hence, this case.

7. Considered on the submissions. The statement of the prosecutrix under Section 164 of the Cr.P.C. appears to be contradictory to the statement given by her under Section 161 of the Cr.P.C. and further, the complainant has also no objection, therefore, 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