

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3816 of 2021**

Rajkumar Baghel S/o Chintaram Baghel Aged About 22 Years R/o Khilora Ghasidas Chowk, Ward No. 01, Police Station Bhatapara, Rural, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Police Station Bhatapara (Rural) District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Ramsajiwan, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.412 of 2018, registered at Police Station – Bhatapara (Rural), District – Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 1.4.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly reveals that she and the applicant both had love affair, they eloped and got married. On the

date of marriage, the prosecutrix was major subsequent to which, they have cohabitated and are having a child. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was about 16 years 2 months on the date of incident, hence, any consent given by her is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of the High Court. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both 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 until she recovered from the police. The prosecutrix became pregnant and has given birth to a female child. Hence, this case.

7. Considered the submissions and the facts present in this case. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the statement of no objection made by the prosecutrix, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge