

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3782 of 2021**

Lalmani @ Suresh Sahu S/o Rajkumar Sahu Aged About 19 Years R/o Village Nisthiguda, Police Station Devbhog, District Gariyaband Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Devbhog, District Gariyaband, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.08.2021**

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.29 of 2021, registered at Police Station – Devbhog, District – Gariyaband, Chhattisgarh for the offence punishable under Section 363, 366, 376(2)(n)/ 34 of the Indian Penal Code and Sections 4 & 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 2.2.2021 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that there

had been an affair between the applicant and the prosecutrix, therefore, she was willingly left with the applicant, resided with him and also had physical relation. 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 prosecutrix was below 16 years, therefore, any consent of the prosecutrix in such a case is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. The notice was issued to the complainant, who appeared on 19.7.2021 through video conference from the help-desk of DLSA, Gariyaband and had strongly objected for grant of bail to the applicant.

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

6. According to the prosecution case, the applicant and the prosecutrix both were having acquaintance with each other which developed into an affair subsequent to which, this applicant abducted the minor prosecutrix of age below 16 years, kept her in his custody and exploited her sexually for sometime until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

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