

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3820 of 2021**

Rahul Sarthi S/o Madhav Sarthi Aged About 22 Years Resident Of
Bhatakona Chowki Kanakbira, Thana Sarangarh District Raigarh,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Raigarh, Police
Station Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Supriya Upasane, 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.6 of 2021, registered at Police Station – Sarangarh, District – Raigarh, 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 27.3.2021 and has been falsely implicated in this case. There had been an affair between the applicant and the prosecutrix. The prosecutrix was not minor on the date of incident. She lived for months together with the

applicant, therefore, a false FIR has been lodged by the father of the prosecutrix. 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 on the date of incident the prosecutrix was minor of age below 18 years, therefore, any consent given by her is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

4. Notice issued to the complainant has been returned served but there is no appearance or representation.

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 on 31.12.2020 on pretext of marrying her and then by keeping her in his custody he has exploited her sexually until she recovered by the police on 22.3.2021. The FIR was lodged on 5.1.2021.

7. Considered the submissions and the facts present in this case. After taking into consideration the statement of the prosecutrix and the other circumstances, 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