

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3867 of 2021**

- Abhishek Minj, S/o Navin Minj, aged about 19 years, R/o Village – Khutera Bada Basti, Police Station – Kansabel, District – Jashpur (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh, Through Station House Officer, Police of Police Station – Kansabel, District – Jashpur (C.G.)

**---- Non-applicant**


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| For Applicant           | : | Shri Sanjeev Kumar Sahu, Advocate.    |
| For Non-applicant/State | : | Ms. Smriti Shrivastava, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**23.08.2021**

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 08.04.2021 in connection with Crime No. 50 of 2021 registered at Police Station Kansabel, District Jashpur (C.G.) for the offences punishable under Sections 363, 366, 376, 376(2) (n) of Indian Penal Code and under Section 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. The prosecutrix in her statement under Section 164 of Cr.P.C has stated that she was willing and a consenting party, hence, the Applicant may be granted the bail.
3. The learned counsel for the State opposes the bail application and submits that prosecutrix was a minor. Thus, she was not capable for giving consent, therefore, the application for bail may be rejected.

4. The prosecutrix is virtually present before this Court on 22.07.2021 through the Help Desk of DLSA, Jashpur (C.G.). She has strong objection to the grant of bail to the Applicant.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, it is alleged that the Applicant abducted the minor prosecutrix and kept her in custody, where he made physical relation with the prosecutrix knowing that she is minor and not capable to give consent. After that, the prosecutrix has been recovered by the Police.
7. Considered on these submissions. Taking into consideration, the facts and circumstances of the case and also the fact that the prosecutrix in her statement under Section 164 Cr.P.C. made developments and omissions, therefore, I am inclined to allow this bail application. The application is allowed.
8. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. 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.

Certified copy as per rules.

Sd/-  
(**Rajendra Chandra Singh Samant**)  
**Judge**