

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4437 of 2021

- Sandeep Kumar Goyal S/o Shankar Goyal, Aged About 30 Years, Caste- Satnami, R/o Village- Tamora, Police Station- Ranchirai, Tahsil- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Station House Officer, Police Station- Ranchirai, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri Shikhar Sharma, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2021

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 11-05-2021 in connection with Crime No.55/2021 registered at P.S. - Ranchirai, District- Balod, Chhattisgarh for the offence under Section 376, 363, 366 of the IPC and Section 4, 5 (ठ) & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 11-05-2021. The prosecutrix had been a willing and consenting party and there had been long affair of the applicant with the prosecutrix. The prosecutrix has also been examined in the trial Court and it is reflected from her statement that she and the applicant both were having affair. The prosecutrix was not minor on the date of incident. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, physical relation with her by the applicant amounts to commission of offence of rape. Hence, the

application may be rejected.

4. The complainant virtually appeared before this Court on 03-08-2021 on notice and he has objected to grant of bail to the applicant.

5. Heard learned counsel for 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 then established physical relation with her knowing well that she was minor and thus, incapable of giving consent.

7. Considered on the submissions. After looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also her statement before the Court, 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