

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3907 of 2021**

Akash Koshaley, S/o. Birjhu Koshaley, aged about 19 years, R/o. Motimpur,
Police Station Nawagarh, District Bemetara Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station
Nawagarh, District Bemetara Chhattisgarh

---- Respondent

For Applicant	: Mr. Satya Prakash Verma, Advocate
For Respondent/State	: Ms. Akshara Amit, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/08/2021**

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.59/2021, registered at Police Station – Nawagarh, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code, and Section 6, 12 of 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 applicant is in jail since 16.03.2021. Charge-sheet in this case has been filed. The prosecutrix made statement under Section 164 of Cr.P.C. that she and the applicant both had love affair and it was on her call, she and the applicant went to Delhi, where they have performed marriage. Subsequent to which, they also had physical relation. Therefore, there is no case present against the applicant. Hence, it is prayed that the applicant may be released 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 had been 14 years and 3 months on the date of incident, therefore, her consent or willingness is immaterial. Therefore, the application be rejected.
4. Notice was issued to the complainant, which was returned served for the date 22.07.2021, but there was no appearance and no representation from the complainant side on that date.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody in different places and had exploited her sexually knowing well that she was minor and not capable to give consent for such relation.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of Cr.P.C. and other circumstances present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge