

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4410 of 2021

- Dwarika Navrang S/o Saheblal Navrang, Aged About 22 Years, R/o Village Neur, Police Station Nandghat, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

----Non-applicant

For Applicant – Shri Tarun Dansena, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-08-2021

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 25-02-2021 in connection with Crime No.88/2021 registered at P.S. - Nandghat, District Bemetara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 5(३), 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 25-02-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. mentions that there had been love affair between the applicant and the prosecutrix. The parents of the prosecutrix were negotiating for her marriage, therefore, it was on her request the applicant eloped with her. The relationship was consensual. Hence, 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 of age below 16 years, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Bemetara. She has no objection in 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 and then by keeping her in his custody he exploited her sexually knowing well that she was incapable of giving consent being minor.
7. Considered on the submissions. After taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and that she herself has no objection in grant of bail to the applicant, 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