

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4571 of 2021**

Bharatsingh Kaushik S/o Shri Sangal Ram Aged About 26 Years R/o Village-Khodro, Thana And Tehsil- Rajpur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station-Charama, District- North Baster Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.08.2021**

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.55 of 2021, registered at Police Station – Charama, District – North Bastar, Kanker, Chhattisgarh for the offence punishable under Section 363, 366 and 376 of the Indian Penal Code and Sections 4 & 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 18.3.2021 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The prosecutrix and the applicant developed friendship on mobile phone and on invitation

given by the applicant, the prosecutrix herself traveled from Charama, District Kanker to Ambikapur to meet the applicant this shows the willingness of the prosecutrix. The prosecutrix was not minor on the date of incident. Hence, looking to the conduct of the prosecutrix, her relationship with the applicant can be regarded as consensual. 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 the prosecutrix has clearly stated in her statement under Sections 161 & 164 of the Cr.P.C. that she was forcibly subjected to physical relation by this applicant. Further, the prosecutrix was minor on the date of incident. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Kanker. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, this applicant was developed friendship with the minor prosecutrix on mobile phone and then he allured her and gave inducement on phone call to come and meet him. She herself traveled from Charama, District Kanker to Ambikapur and the applicant put her in his own house where it is alleged that he raped her on more than one occasion until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Considering the fact that the prosecutrix herself traveled and gone to meet the applicant in his place of residence and she resided for sometime and also considering the statement of no objection in grant of bail to the applicant, I feel inclined to grant regular bail to the applicant.

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