

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4432 of 2021**

Ankit Jatav @ Mahesh S/o Ram Narayan Jatav Aged About 19 Years R/o Village Kusmaniya Dabri, Police Station Kannoud, District - Dewas (Madhya Pradesh), District : Dewas, Madhya Pradesh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.08.2021**

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.149 of 2020, registered at Police Station – Ranchirai, District – Balod, Chhattisgarh for the offence punishable under Section 363, 366, 368 and 376(2)(dha) of the Indian Penal Code and Sections 5(tha) & 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 24.12.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix had been willing and

consenting party and the applicant has performed marriage with her. 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 was minor on the date of incident, therefore, her willingness and consent are immaterial. Hence, no case is made out for grant of bail to the applicant.

4. Complainant – Kuleshwari Yadav is present before this virtual Court through the Help-Desk of DLSA, Balod. He made a statement that he has 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, the applicant and the minor prosecutrix got acquainted with each other on the social-media platform of face-book. They developed friendship and love affair subsequent to which, the applicant came to meet her on 1.12.2020 and on the same day, he abducted the minor prosecutrix and took her to his own place where he performed marriage with her and subsequent to which, he established physical relation with her continuously for sometime until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 161 of the Cr.P.C.,

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