

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4525 of 2021**

Gulabchand Kosre S/o Raju Lal Kosre Aged About 19 Years R/o Village Navagaon, Police Station Gunderdehi, District Balod Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Gunderdehi, District Balod Chhattisgarh.

---- Respondent

For the Applicant : Shri Dashrath Kushwaha, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.08.2021**

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.87 of 2021, registered at Police Station – Gunderdehi, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(N) and 376(3) of the Indian Penal Code and Sections 4, 5(L) & 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 14.5.2021 and has been falsely implicated in this case. The statement of the prosecutrix reveals that there had been a love affair between the applicant and the prosecutrix for about 5 months before lodging of FIR,

therefore, there was consensual relationship present between them. The prosecutrix was not minor on the date of incident. 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 applicant was the senior member in the Whats-App group and he was trying to dominate the will of the minor prosecutrix and he has dominated accordingly because of which, the prosecutrix submitted to his wishes and therefore, the evidence shows exactly the case of rape. Hence, the applicant is not entitled for grant of regular bail.

4. The complainant is present before this Court on notice on 9.8.2021. 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, due to lock-down, a study-circle was created on the Whats-App group in which, the minor prosecutrix was a member and this applicant was a senior member. According to the statement of the prosecutrix, the applicant expressed his love for the prosecutrix and on his invitation, the prosecutrix went to meet him, then she was sexually exploited by the applicant and this continued till 6.3.2021. This applicant then abducted the minor prosecutrix, who was recovered from his custody.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and the other circumstances, I feel inclined to grant regular bail to the applicant in this case.

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