

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4567 of 2021**

Karan Singh Thakur S/o Suraj Singh Aged About 23 Years R/o House No. 327, Ashok Vihar, Nagar Nigam Colony, Police Station- Ashoka Garden, District- Bhopal, Madhya Pradesh, Presently Residing At Ashoka Garden, Assi (Eighty) Feet Raod, Hinotiya, Near Sipkala Hotel, Police Station- Ashoka Garden, District- Bhopal, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Aarakshi Kendra Lakhanpur, District- Sarguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Arvind Shrivastava, 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.134 of 2020, registered at Police Station – Lakhanpur, District – Sarguja, Chhattisgarh for the offence punishable under Section 363, 366 and 376(2)(n) 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 21.1.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Sections 161 & 164 of the Cr.P.C. discloses that

there had been an affair and consensual relationship of the applicant with the prosecutrix. The present prosecutrix never objected in going and residing with him and she has consented for physical relation. 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 consent and willingness is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of the DLSA, Ambikapur. 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then exploited her sexually knowing well that she is not competent to such consent. Hence, this case.

7. Considered the submissions and the facts present in this case. Taking into consideration the statement of the prosecutrix under Section 161 of the Cr.P.C. and other circumstances, 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