

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4491 of 2021

- Monu @ Michael Son of Raju Soni (wrongly mentioned as Raju Sona), Aged About 25 Years, Resident of Shriram Maidan, Santoshi Nagar, Raipur, Police Station - Tikrapara, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station - Tikrapara, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Akshay Uppal, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-08-2021

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 30-05-2020 in connection with Crime No.12/2020 registered at P.S. - Tikrapara, District - Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of 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 30-05-2020. The prosecutrix was not minor on the date of incident. She and the applicant both knew each other since about two years and there was love affair between them, which is reflected from her statement under Section 164 of the Cr.P.C. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that in the statement under Section 164 of the Cr.P.C. the prosecutrix has clearly stated that despite her refusal the applicant had established physical relation with her against her wishes and this has

continued for some time, therefore, her consent was not obtained by the applicant before such relationship. Hence, the application may be rejected.

4. Notice issued to the complainant for fixed date 03-08-2021, but despite service of the summons, there was no appearance and representation from the complainant side on that date.

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 of age below 18 years and then he had forceful physical relation with her against her willingness and consent.

7. Considered on the submissions and after perusing the statement of the prosecutrix under Section 164 of the Cr.P.C. and that the applicant is in jail since more than one year, 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