

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4664 of 2021**

Kartik Gheencha S/o Meetaram Gheencha, Aged About 20 Years R/o Village
- Lurena, Police Station - Kamleshwarpur, District - Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Police Station - Kamleshwarpur, District -
Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Vineet Kumar Pandey, Advocate.
For the Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.09.2021**

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.20 of 2021, registered at Police Station – Kamleshwarpur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366 & 376(2)(dha) of the Indian Penal Code and Section 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 8.3.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Sections 161 & 164 of the Cr.P.C. shows that she had a love affair with the applicant for about one year and on the date of incident, she had willingly gone and resided with the applicant for sometime

and the physical relation was also totally consensual. The applicant intends to challenge the ground of minority of the prosecutrix in the trial. 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 age of the prosecutrix was below 16 years on the date of incident, hence, any consent given by her is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served on 24.8.2021 and on that date, there was no appearance or representation from the complainant side.

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 on pretext of marrying her and then, by keeping her in his custody for sometime, he exploited her sexually until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Looking to the allegations that are present against this applicant and there is likelihood of delay in the investigation and in the trial, 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