

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4703 of 2021**

Shailesh Kumar Kurre S/o Shri Pusau Kurre Aged About 21 Years R/o  
Village- Dhothma, PS- Jarhagaon, District- Mungeli, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through PS- Jarhagaon, District- Mungeli,  
Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Dheerendra Pandey, Advocate.  
For the Respondent/State : Shri Alok Nigam, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****10.08.2021**

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.78 of 2021, registered at Police Station – Jarhagaon, District – Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 04.04.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that she had love affair and her relationship with the applicant was consensual. 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 of age 16 years, therefore, her consent and willingness is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant was returned unserved with a note that the complainant and his family went to Allahabad to earn livelihood and for these reasons, there is no possibility to serve such summons on them.

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 exploited her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

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