

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4550 of 2021**

Devendra Barle S/o Bhikham Barle Aged About 21 Years R/o Village Kochera, Police Station Doundilohara, District Balod Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Balod, District Balod Chhattisgarh.

---- Respondent

For the Applicant : Shri Shikhar Sharma, Advocate.
For the Respondent/State : Shri Ajay Kumrani, 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.45 of 2020, registered at Police Station – Balod, District – Balod, Chhattisgarh for the offence punishable under Section 363, 366 and 376(2)(N) of the Indian Penal Code and Sections 5(tha) & 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 17.8.2020 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. Her statement under Sections 161 & 164 of the Cr.P.C. clearly shows that she was willing

and consenting party. All the time the prosecutrix resided with this applicant as his wife. 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. There is clear statement of the prosecutrix that she was sexually exploited by the applicant. 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 DLSA, Balod. 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, this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody in Hyderabad, in Balod and had physical relation with her knowing well that she is not competent to consent for such relation regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. After looking to the statement of the prosecutrix under Sections 161 and 164 of the Cr.P.C. and also considering the fact that the prosecutrix has no objection in grant of bail to the applicant, 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