

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4594 of 2021**

Noorsingh Patel @ Mata Patel, S/o. Shankar Patel, aged about 23 years, Caste- Panara, R/o. Village Baniyagaon, Police Station - Bhanpuri, District- Bastar, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Anusuchit Jati Janjati Kalyan (SC/ST) Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Navin Shukla, Advocate

For Respondent/State : Mr. Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/08/2021**

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.17/2021, registered at Police Station – Anusuchit Jati Janjati Kalyan (SC/ST) Jagdalpur, District – Bastar (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code, Section 3 (2) (5) of S.C. & S.T. (Prevention of Atrocities) Act and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in

jail since 17.02.2021. Charge-sheet in this case has been filed. Statement of the prosecutrix under Section 164 Cr.P.C. reflects that the applicant was called by the prosecutrix and then both of them eloped, stayed together for sometime and had physical relation consensually. The applicant is willing to have the prosecutrix as his wife, but the father of the prosecutrix has disagreement because of which, he has lodged false FIR against the applicant. Therefore, it is prayed that the applicant may be released 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 statement of the prosecutrix under Section 161 of Cr.P.C. is against the applicant and further the prosecutrix was minor, therefore, her consent and willingness is immaterial. Therefore, the application be rejected.
4. Prosecutrix was virtually present before this Court on 09.08.2021 through the Help Desk of D.L.S.A. Jagdalpur and has made statement of objection in grant of bail to the applicant
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per 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 capable to give valid consent.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C. and other circumstances present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram