

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4601 of 2021**

Dhiraj Soni, S/o. Jaggu Soni, aged about 22 years, R/o. Near Indra Nagar Talab, Chirmiri, Police Station- Badi Bazar, Koriya, At Present- Jailpara, Surajpur, District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Though – S.H.O., Police Station- Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, 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.71/2021, registered at Police Station – Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the Indian Penal Code 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 02.04.2021. Statement of the prosecutrix under Section 164 Cr.P.C. shows that she and the applicant both had love affair. She

willingly left with him and visited places and then stayed with the applicant for about one and half months during which, she and the applicant both had consensual physical relation. As per the statement of the prosecutrix under Section 161 of Cr.P.C. shows that the applicant and the prosecutrix both had married. Hence, there is no case present 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 the age of the prosecutrix had been 15 years on the date of incident, therefore, her consent and willingness is immaterial, therefore, the application be rejected.
4. Complainant had virtually appeared before this Court on 09.08.2021 through the Help Desk of D.L.S.A. Surajpur and has made statement of no 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