

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4709 of 2021**

Devendra @ Chandan Sahu, S/o. Durga Prasad Sahu, aged about 19 years, 10 months, R/o. Dewri, P.S. Rajim, Distt. Gariyaband (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : P.S.- Rajim, Distt. Gariyaband (Chhattisgarh).

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For Respondent/State	: Mr. Sameer Uraon, G.A.

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.93/2021, registered at Police Station – Rajim, District – Gariyaband (C.G.) for the offence punishable under Section 363, 366, 376 (2) of the Indian Penal Code and Section 4, 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 19.06.2021. The relation of the prosecutrix with the applicant is consensual, which is reflected from the statement under Section 164 of Cr.P.C.. The FIR lodged is totally false. 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 prosecutrix was minor on the date of incident, therefore, her consent and willingness is immaterial, therefore, the application be rejected.

4. The prosecutrix had virtually appeared before this Court on 28.07.2021 through the Help Desk of D.L.S.A. Gariyaband and 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 continuously.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of Cr.P.C. and other circumstances present and also for the reason that the prosecutrix herself has no objection in grant of bail to the applicant, 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