

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4789 of 2021**

Sagar Chand Vishwakarma S/o Anand Ram Vishwakarma Aged About 26 Years R/o Village- Dhansuli, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Chhura, District- Gariyaband, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate.
For the Respondent/State	:	Shri Anil Tripathi, P.L.
For the Complainant	:	Shri Govind Prasad Dewangan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.07.2021**

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.161 of 2020, registered at Police Station – Chhura, District – Gariyaband, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(i)(n) of the Indian Penal Code and Section 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 3.11.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The prosecutrix was

willing and consenting in the relationship with the applicant. 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 and further, her statement under Sections 161 & 164 of the Cr.P.C. shows that she was forcefully subjected to physical relation by the applicant. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Learned counsel for the complainant submits that the complainant 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 and by keeping her in his custody, he exploited her sexually by seeking submission of the prosecutrix forcefully. Hence, this case.

7. Considered on the submissions. After looking to the statement given by the prosecutrix under Sections 161 & 164 of the Cr.P.C. and also looking to the statement of no objection given by the complainant side, 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