

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4712 of 2021**

Ankit Sahu S/o Shri Bisahu Sahu Aged About 22 Years R/o Chingarajpara,
Kabir Chowk Bilaspur, Police Station Sarkanda, District Bilaspur
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Civil Line Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri R.R. Soni, Advocate.
For the Respondent/State : Shri Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.08.2021**

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.279 of 2021, registered at Police Station – Civil Line, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 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 3.3.2021 and has been falsely implicated in this case. The charge-sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. reflects that she was a consenting party. The applicant intends to challenge the ground of minority of the prosecutrix in the trial. The

prosecutrix and her father had appeared before the Sessions Court and made a statement of no objection in grant of bail to 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 age of the prosecutrix had been only 15 years on the date of incident, therefore, her consent or willingness is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant has been returned served but there is no appearance or representation.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, there is allegation against this applicant that he abducted the minor prosecutrix, kept her in his custody in his own house for 3 days and also exploited her sexually knowing well that she is not competent to give such consent.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. is contradictory and improved compared to the statement given by her under Section 161 of the Cr.P.C., therefore, I feel inclined to grant regular bail to the applicant in this case.

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