

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 5176 of 2021**

Chaindas S/o Sondas Panika Aged About 23 Years R/o Ward No. 16,  
Vicharpara, Police Station Rajendragram, District Anuppur, Madhya  
Pradesh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, P.S. Manendragarh  
District Korea Chhattisgarh.

**---- Respondent**


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|--------------------------|---|--------------------------------------|
| For the Applicant        | : | Shri Hemant Kumar Agrawal, Advocate. |
| For the Respondent/State | : | Shri Amit Kumar Verma, P.L.          |
| For the Complainant      | : | Shri Udhoram Koshaley, Advocate.     |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****25.08.2021**

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.134 of 2021, registered at Police Station – Manendragarh, District – Korea, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(dha) of the Indian Penal Code and Sections 4 & 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 10.6.2021 and has been falsely implicated in this case. The charge-sheet has been filed. The relation of the applicant with the prosecutrix was

willing and consensual, which is reflected from her statement under Section 164 of the Cr.P.C. Further, the prosecutrix had appeared before the Sessions Court to make a statement of no objection for 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 prosecutrix was minor on the date of incident and her consent is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. Learned counsel for the complainant submits that the complainant and the prosecutrix both have 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, kept her in his custody and has exploited her sexually on pretext of marrying her. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 161 of the Cr.P.C. and also looking to the statement of no objection made by the complainant side, 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