

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5111 of 2021

- Hasin Kumar S/o Shri Kartikram Kenwat, Aged About 20 Years, Resident of Village Kesla, Police Station Sheorinarayan, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Sheorinarayan, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Santosh Kumar Sahu, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-05-2021 in connection with Crime No.194/2021 registered at P.S. - Sheorinarayan, District Janjgir Champa, Chhattisgarh for the offence under Section 363, 366-A of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 23-05-2021. Charge sheet has been filed. The prosecutrix was not minor and it was a clear case of love affair between the applicant and the prosecutrix. Therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness is immaterial. Hence, the application may be rejected.
4. Complainant Ramashankar Sahu is virtually present through Help Desk of the High Court. He has objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant allured the minor prosecutrix with false promise to marry her and then he abducted her and was taking her on train from Raipur to Jammu Kashmir. The applicant and the prosecutrix both were apprehended in Annuppur railway station. Hence, this case.
7. Considered on the submissions. Looking to the facts present in this case and also that the case is likely to take some time before its conclusion, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge