

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5456 of 2021**

Ganga Kumar Kant Son Of Kailash Kant Aged About 20 Years Resident Of Village - Sewar, Police Station - Chakarbhatha, District - Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Sakri, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vipin Singh, Advocate.
For the Respondent/State : Smt. Smriti Shrivastava, P.L.

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.358 of 2019, registered at Police Station – Sakri, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 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 1.7.2021 and has been falsely implicated in this case. The charge-sheet has been filed. The statement of the prosecutrix under Sections 161 & 164 of the Cr.P.C. reflects that there had been a love affair between the applicant and the prosecutrix and their relationship was consensual. In the

present development, the applicant has married the prosecutrix and the prosecutrix having a child from this 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 14 years 7 months 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. The prosecutrix and her father – Mohan Tandon both are present before this virtual Court through the Help-Desk of the High Court. They made a statement that they 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Sections 161 & 164 of the Cr.P.C. and the statement of no objection made by the prosecutrix herself, 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