

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5625 of 2021**

Rahul Tandan S/o Santosh Tandan Aged About 18 Years R/o Ranipara,
Ratanpur, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate.
For the Respondent/State	:	Shri Aditya Tiwari, P.L.
For the Complainant	:	Shri Chandradeep Prasad, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.09.2021**

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.251 of 2021, registered at Police Station – Ratanpur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 & 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 25.6.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Sections 161 & 164 of the Cr.P.C. shows that she is willing and consenting party. As she herself left her parental house on the

call of the applicant and then, she met with the applicant resided with him for few days during which, she had consensual relation with the applicant, therefore, there is no case against 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 of age below 18 years, therefore, her consent or willingness is immaterial. Hence, he is not entitled for grant of regular bail.

4. Complainant – Krishna Kumar Sarthi has appeared before this Court on notice on 3.9.2021 and stated that he has strong objection in grant of bail to the applicant. A written objection has also been filed separately.

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

6. According to the prosecution case, this applicant and the minor prosecutrix were known to each other and they used to have conversation on mobile. As it is alleged that this applicant kept the minor prosecutrix in his custody for sometime and during that time, the applicant had physical relation with the minor prosecutrix on more than one occasion, which amount to commission of offence of rape. Hence, this case.

7. Considered the submissions and the facts present in this case. Taking into consideration the statement of the prosecutrix under Sections 161 & 164 of the Cr.P.C., I am of this view that it would be proper to release the

applicant on regular bail during the pendency of the trial, hence, I feel inclined to grant 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