

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5568 of 2021

- Deepak Kurre S/o Mohan Kurre, Aged About 21 Years, R/o Village Dhourabhata, Police Station Kharora, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through the Station House Officer, Police Station Pandri, District Raipur Chhattisgarh

----Non-applicant

For Applicant – Mr. Shivendu Pandya, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Mr. Govind Prasad Dewangan, Advocate for the prosecutrix.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2021

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 28-05-2021 in connection with Crime No.443/2019 registered at P.S. - Pandri, District Raipur, Chhattisgarh for the offence under Section 363, 366 (A), 376 (2)(n) of the IPC and Section 4/6 of the Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 28-05-2021. The applicant and the prosecutrix both had affair and their relationship was consensual which has resulted in pregnancy and birth of a child, this is reflected in the statement of the prosecutrix under Section 164 of the Cr.P.C. Further, the prosecutrix is at present residing with her in-laws. She is not minor. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clearly against the applicant, further, the prosecutrix was minor on

the date of incident. Therefore, the application may be rejected.

4. Mr. Govind Prasad Dewangan, learned counsel appearing for the prosecutrix submits that the complainant has no 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 abducted the minor prosecutrix kept her continuously in his custody and exploited her sexually on numerous occasions, regarding which the FIR has been lodged.

7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. and also that the complainant has no objection, 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