

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5950 of 2021

- Dilu @ Praful Kalar S/o Shri Jagdish Kalar, Aged About 19 Years, Caste- Kalar, R/o Village- Bade Bosadi, P.S- Umerkote, District- Navrangpur, (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh, Through Officer-in-charge of Police Station- Kandagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Malay Jain, Advocate.

For Non-applicant/State – Shri Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-09-2021

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 05-02-2021 in connection with Crime No.402/2020 registered at P.S. - Kondagaon, District- Kondagaon, Chhattisgarh for the offence under Section 363, 366, 376(2)(n), 506 of the IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(2) (v) & 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 05-02-2021. The prosecutrix has been examined in the trial and she has made statement that her relation with the applicant was consensual and she has also been declared hostile by the prosecutor. Therefore, there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, her willingness and consent is

therefore immaterial. Hence, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 14-09-2021 and objected to grant of bail to the applicant.

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

6. According to the prosecution case, the minor prosecutrix, who is a member of SC/ST, was abducted by the applicant and then he kept her in his custody for some time, during which period he exploited her sexually on more than one occasions. Hence, this case.

7. Considered on the submissions. Perused certified copy of the deposition of the prosecutrix and I am of this view that this applicant should be granted bail.

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