

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5719 of 2021**

Jitendra Jangade S/o Basant Jangade Aged About 28 Years Caste-
Satnami, R/o Village- Bhilai, Police Station And Tahsil- Baloda, District-
Janjgir- Champa, Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate, District- Janjgir-
Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri N.K. Chatterjee, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.09.2021**

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.196 of 2021, registered at Police Station – Baloda, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(c) 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 Section 161 of the Cr.P.C. itself shows that she had willingly left with the applicant, traveled to the places and resided with him

during which, the applicant performed sham marriage by putting vermilion on her forehead and then they had physical relation. The MLC report does not given any specific opinion regarding forceful sexual intercourse with the prosecutrix. 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 below 16 years on the date of incident, therefore, her consent or willingness is immaterial. Hence, the applicant is not entitled for grant of regular bail.

4. Complainant – Pardesi Jangade was virtually present before this Court on 7.9.2021 and he made a statement that he has 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 knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Considering the entire material present in the case-diary, I feel inclined to grant regular bail to the applicant.

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