

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5651 of 2021**

Gopi Sahu S/o Rajendra Sahu, Aged About 20 Years, R/o Village Biranpurkala (wrongly mentioned as Biranpurkhurd in the order sheet), Police Station and Tahsil Gandai, District Rajnandgaon (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh Through - Station House Officer, Police Station- Chuikhadan, District - Rajnandgaon (Chhattisgarh).

---- Non-applicant

For Applicant	: Shri Abhishek Sharma, Advocate
For Non-applicant/State	: Shri B.P. Banjare, Dy. Govt. Advocate
	Prosecutrix is present through virtual mode
	from District Legal Services Authority,
	Rajnandgaon along with her father.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

03.09.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 26.07.2021 in connection with Crime No.174 of 2021, registered at Police Station Chuikhadan District Rajnandgaon (C.G.), for commission of offence punishable under Sections 363, 366 of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that in the intervening night of 19 – 20.07.2021, prosecutrix went out of her house. When in the morning, she was not found in her house, father of prosecutrix lodged report on 20.07.2021 against unknown person. The

prosecutrix returned back to her house along with father of applicant after 3-4 days and thereafter, prosecutrix was produced before the Police Station by father of prosecutrix. Based on the statement recorded under Section 161 of Cr.P.C. of prosecutrix, instant crime is registered against the present applicant.

3. Shri Abhishek Sharma, learned counsel for the applicant would submit that complainant and applicant are known to each other and they were having talking terms in the mobile. The complainant accompanied the applicant with her own will and he has not committed any offence as alleged against him. It is contended that applicant is in jail since 26.07.2021, hence, he may be enlarged on regular bail.
4. Per contra, Shri B.P. Banjare, learned Dy. Govt. Advocate for the State opposing the submissions made by learned counsel for the applicant, would submit that it is the applicant who took the prosecutrix from her house and she came back to her house only on 24.07.2021. However, on reading the statement of prosecutrix, he submits that prosecutrix was brought back to her house by father of applicant. It is contended that on the date of accident, age of prosecutrix was 17 years, 6 months and 6 days, as such, applicant has committed an offence as alleged against him.
5. Prosecutrix is present in person along with her father Shri Vikram Verma through virtual mode from District Legal Services Authority, Rajnandgaon. Prosecutrix submits that she has no objection in granting bail to the applicant.
6. I have heard learned counsel for the parties.

7. Taking into consideration the facts and circumstances of the case, nature of allegations, submission made by learned counsel for applicant and applicant is in jail since 26.07.2021, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge