

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6306 of 2021

- Rajesh @ Rajendra Sahu S/o Jhamman Lal Sahu, Aged About 29 Years, R/o Village Chandi, Police Station Abhanpur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station Panduka, District Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Mr. Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2021

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 17-06-2021 in connection with Crime No.50/2021 registered at P.S. - Panduka, District Gariyaband, Chhattisgarh for the offence under Section 363, 366, 376(2)(N) of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-06-2021. According to the statement of the prosecutrix under Section 164 of the Cr.P.C. she had a love affair with the applicant, therefore, she willingly left with him, married him and was residing with him as his wife, hence, her relation with applicant was consensual. The prosecutrix was not minor on the date of incident. Therefore, it is prayed that this applicant may be granted bail.

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

4. The prosecutrix is virtually present through the Help Desk of DLSA Raipur on notice. She 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was minor and thus incapable of giving consent. Hence, this case.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. and other circumstances present, 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