

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5893 of 2021**

Deepak Kumar Dheeraj S/o Shri Kaushal Prasad Dheeraj Aged About 18 Years R/o Village- Silpahari, Police Station- Sirgitti, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Sirgitti, Civil And Revenue, District- Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Shri Aditya Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.09.2021**

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.104 of 2021, registered at Police Station – Sirgitti, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(N) 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 11.3.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. shows that she was willing and consenting party, therefore, there is no case against this applicant. 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 prosecutrix was minor of age below 18 years, therefore, her consent or willingness is immaterial. Hence, he is not entitled for grant of regular bail.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. According to the prosecution case, on the date of incident, this applicant abducted the minor prosecutrix, kept her in his custody for sometime 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. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant in this case.

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

Nimmi