

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6046 of 2021**

Tilak Soni S/o Ramkumar Soni, aged about 18 years R/o Ward No. 13, Amapara, Balod, P.S. And District- Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through- Station House Officer, Police Station- Balod, District : Balod, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate.
For State/Respondent	:	Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****07.10.2021**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No. 174/2021 registered at Police Station- Balod, District- Balod (C.G.) for offence punishable under Sections 363, 366, 376 (2) (N) of IPC and Section 4, 5 (L)/ 6 of the Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by learned counsel for the applicant, that the applicant is falsely implicated in this case. The prosecutrix has given statement in the Court which supports the applicant's case, the prosecutrix was

consensual party, hence, it is prayed that the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix was minor and, therefore, her consent and willingness to go with the applicant amounts to the commission of offences of abduction and she has made clear allegation of rape against the applicant in her statement under Section 161 & 164 of Cr.P.C., hence, the application be rejected.
5. The complainant Rupabai Yadav mother of the prosecutrix was virtually present through Help Desk of this Court on 15.09.2021 and stated that she has no objection in grant of bail to the applicant.
6. I have heard counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of the age below 18 years, kept her in his custody and sexually exploited her on more than one occasions, she is minor and incapable of giving consent for such relationship.
8. Considered on the submissions. Looking to the facts and circumstances that are present and also the complainant had no objection, for these reasons, I feel inclined to allow the application of this applicant.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Saurabh