

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5962 of 2021**

Anil Bhartendu S/o Late Luthru Bhartendu Aged About 27 Years R/o Village-Ila, Police Station And Tahsil- Patthalgaon, District- Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-Kansabel, District- Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri J.K. Saxena, Advocate.
For the Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.09.2021**

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.37 of 2021, registered at Police Station – Kansabel, District Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 376(2)(n) of the Indian Penal Code and Sections 5 & 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 7.3.2021 and has been falsely implicated in this case. The charge-sheet has been filed. The statement of the prosecutrix under Section 164 Cr.P.C. clearly shows that she had willingly gone and resided with the applicant and both of them had consensual relationship. 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 and further, there is diary statement present against the applicant. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix was virtually present before this Court on 10.9.2021 and she made a statement that she 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 such consent. Hence, this case.

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. and other circumstances, I feel inclined to grant 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