

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6104 of 2021**

Chetan Nagar S/o Giriraj Nagar, aged About 28 Years R/o Village- Narsingpura, Police Station- Ataru, Tehsil- Atru, District- Bara, Rajasthan, Rajasthan.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shubhank Tiwari, Advocate.
For the Respondent/State	:	Ms. Shivali Dubey, P.L.
For the Complainant	:	Shri Anshul Tiwari, Advocate.

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.6 of 2020, registered at Police Station – Mahasamund, District Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376, 34 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 4.3.2021 and has been falsely implicated in this case. In fact, the applicant and the prosecutrix both are married and they are having a child. At present, the prosecutrix and her father both have no objection in grant of

bail to the 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 and there is evidence against the applicant. Hence, no case is made out for grant of bail to the applicant.

4. Learned counsel for the complainant submits that the complainant has no 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 without the authority given by the parents of the minor prosecutrix, kept her in his residence in the State of Rajasthan. Later on, the applicant was married to the minor prosecutrix and had established physical relation with her although, she was minor.

7. Considered the submissions and the facts present in this case. Looking to the statement of no objection from the complainant side and the other circumstances present, 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