

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 6445 of 2021**

Satyajeet Dhankar, S/o. Ishwar Dhankar, aged about 19 years, R/o. Village-Baragari, Nayapara, Thana and Tahsil- Charama, District- Uttar Bastar Kanker, Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through - Police Station - Korar, District- Uttar Bastar Kanker, Chhattisgarh.

**---- Respondent**


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For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Ms. Shivali Dubey, P.L.

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

**Order On Board****28/09/2021**

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.24/2021, registered at Police Station – Korar, District – U.B. Kanker (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n), 343 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 04.06.2021. The statement of the father prosecutrix under

Section 161 of Cr.P.C. shows that in the night of the incident, he saw the prosecutrix awake and later on in the same night, the prosecutrix went missing, which shows that the prosecutrix was ready with preparation to leave her parental house with the applicant. The statement of the prosecutrix under Section 164 of Cr.P.C. also reveals that she had left with the applicant, stayed with him at Nagpur for some time, which shows she was willing and consenting party. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be released 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 statement of the prosecutrix under Section 161 and 164 of Cr.P.C. is very clear that she was threatened by the applicant to leave the house without her willingness, she went with him to Nagpur and was kept in confinement and also exploited sexually without her willingness and consent. Further the prosecutrix is minor. Therefore, the applicant is not entitled for grant of bail.
4. The prosecutrix is virtually present before this Court on notice through D.L.S.A. Kanker. She has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody for some time and during that time, he exploited her sexually without her willingness and consent.
7. Considered on the submissions. Looking to the diary statement of the witnesses present against this applicant, this Court is of the opinion

that present is not a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram