

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6282 of 2021

- Akash Singh S/o Tribhuvan Singh, Aged About 20 Years, Caste Kshatriya, R/o Village Gariyaband, Subhash Chowk, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station - Bhakhara, District Dhamtari (Chhattisgarh), District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State – Ms. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-12-2020 in connection with Crime No.175/2020 registered at Police Station - Bhakhara, District Dhamtari, Chhattisgarh for the offence under Section 363, 366, 376(2) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 29-12-2020. There had been love affair between the applicant and the prosecutrix, because of which the prosecutrix herself left with the applicant and had physical relation with him which was consensual. Therefore, there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C., there appears to be no consent present in the physical relation of the prosecutrix with the applicant and further, she has stated that she had to go with the applicant on being compelled by him. The prosecutrix

had been minor. Therefore, there is no case present for grant of bail.

4. Complainant Khilendra Kumar Gajendra and the prosecutrix both are virtually present through the Help Desk of DLSA Dhamtari. They have objection in grant of bail to the applicant.

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

6. According to the prosecution case, the applicant and the prosecutrix knew each other since about two years and they were in talking terms. It is alleged that on the date of incident this applicant made a phone call to the minor prosecutrix asking her to go with him, on which the prosecutrix left her parental house and went with the applicant to Raipur, where she stayed with him in a hotel and the applicant had physical relation with her knowing well that the prosecutrix was minor and incapable of giving consent. Later on, the prosecutrix was recovered by the police.

7. Considered on the submissions. Looking to the facts and circumstances that are present, I am of this view that the applicant should be granted bail during pendency of the trial.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge