

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6457 of 2021**

Sunil Kumar Suparia Nat, S/o. Puniram Suparia Nat, aged about 19 years, R/o. Village Bandhanpur (Bourhadand), P.S. Kapu, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Officer In Charge Police Station Kapu, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Prahalad Panda, Advocate

For Respondent/State : Mr. Amit Verma, P.L.

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.87/2020, registered at Police Station – Kapu, District – Raigarh (C.G.) for the offence punishable under Section 363, 376 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 08.06.2021. The statement of the prosecutrix under Section 164 Cr.P.C. makes no allegation 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 prosecutrix was minor and her statement under Section 161 of Cr.P.C. is clearly against this applicant. Therefore, the application be rejected.

4. None for the complainant despite the notice has been returned served for today.
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 and then by keeping her in his custody, he has exploited her sexually knowing that she was minor and was incapable for giving consent.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of Cr.P.C., this Court is of the opinion that present is 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge