

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6462 of 2021**

Sanjay Khunte S/o Nanuram Khunte Aged About 23 Years resident of Village Reda, Taluka Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Sarangarh, Taluka Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Udhoram Koshaley, 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.651/2019, registered at Police Station – Sarangarh, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 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 11.07.2021. There had been love affair between the applicant and the prosecutrix, therefore, they both went to Jammu and Kashmir, where they found work, resided together and had consensual physical relation, as a result of which, the prosecutrix became pregnant and she has given birth to a child. They have also performed marriage. Therefore, no case is 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 prosecutrix was minor, therefore, her consent or willingness is immaterial. Therefore, the application be rejected.
4. The prosecutrix is present before this Court on notice. She has no 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 and confinement and then exploited her sexually on more than one occasions. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances of the case and the diary statement of the prosecutrix, 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