

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6482 of 2021**

Rajesh Kaithvas, S/o. Shri Jageshwar Kaithvas, aged about 27 years, R/o. Kanan Vaghadarevadi, Sai Nagar, Amravati, District- Amravati, Maharashtra.

---- Applicant**Versus**

State of Chhattisgarh, Through - The Station House Officer, Police Station- Arjunda, District- Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vipin Tiwari, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/09/2021**

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.48/2021, registered at Police Station – Arjunda, District – Balod (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n), of the Indian Penal Code and Section 4, 5 (I), 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 06.07.2021. According to the statement of the prosecutrix under Section 164 of Cr.P.C. there is no allegation present against this applicant regarding commission of offence of abduction and rape. 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 she has made clear allegation against the applicant in her statement under Section 161 of Cr.P.C., hence, the application be rejected.

4. Complainant – Bhikhari Lal is virtually present before this Court on notice through the help desk of D.L.S.A. Balod. He 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 exploited her sexually on more than one occasions knowing well that she is minor and not capable to give consent.
7. Considered on the submissions. Taking into consideration 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