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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6525 of 2021**

Jaalam Singh Oti, S/o. Bahru Ram Oti, aged about 30 years, R/o Saakin Khallari, Police Station Balod, At Present Aadawal Kusumpal, Police Station Bodhghat, District Jagdalpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Balod, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate

For Respondent/State : Mr. Ankur Kashyap, 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.238/2021, registered at Police Station – Balod, District – Balod (C.G.) for the offence punishable under Section 363, 366, 368, 376 (2-ढ), 376 (3) of the Indian Penal Code and Section 4, 5 ँ/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 03.08.2021. The prosecutrix is willing and consenting party as there had been an affair of the applicant with the prosecutrix since 2016. Statement of the prosecutrix herself shows that there had been physical relation on more than one occasion and that the marriage was also performed by the applicant with the prosecutrix, subsequent to which both of them resided in Jagdalpur for some time, thereafter, she

was recovered. The prosecutrix was also not minor during all these time. 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 willingness and consent is immaterial. Hence, the applicant is not entitled for grant of bail.
4. Complainant – Sohan Lal Yadav, the father of the prosecutrix is virtually present before this Court on notice through the help desk of D.L.S.A. Balod. He 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 proposed the minor prosecutrix in the year 2016 on which she refused. The applicant continued making approach to the minor victim and then on 11.04.2018, he forcibly had physical relation with the minor prosecutrix, however, then this relationship continued on number of occasions. Later on on 15.07.2021, the applicant came to the place of the prosecutrix and abducted her, performed marriage with her in a temple and took her to Jagdalpur, where both of them resided for about one month, subsequent to which, the minor prosecutrix was recovered on the basis of the missing report lodged by her father.
7. Considered on the submissions. Taking into consideration all the facts and circumstances of the case, 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

Balram