

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6479 of 2021**

Kali Charan Thakur S/o Santu Ram Thakur Aged About 24 Years R/o Ward No. 05 Bhathapara, Marra, Police Station - Utai, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Utai, District- Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Uttam Pandey, Advocate.
For the Respondent/State	:	Shri Amit Kumar Verma, P.L.
For the Complainant	:	Shri B.P. Rao, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.09.2021**

Heard.

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.404 of 2020, registered at Police Station – Utai, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code and Sections 5(1) & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.3.2021 and has been falsely implicated in this case. The prosecutrix has stated under Section 164 of the Cr.P.C. that she and the applicant both had love affair, they performed marriage and are living together. The prosecutrix has also become pregnant and she does not want

any action against this applicant. Hence, it is prayed that the applicant be enlarged 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 on the date of incident. Hence, the applicant is not entitled for grant of regular bail.

4. Learned counsel for the prosecutrix submits that the prosecutrix has no objection if the applicant is granted regular bail.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the statement under Section 164 of the Cr.P.C. and also the statement of no objection made by the prosecutrix herself, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge