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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7094 of 2020**

Raja Ajgalle, S/o. Maniram, aged about 19 years, R/o. Village Bhatgaon, Police Station Bhatgaon, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station - Simga, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Satya Prakash Verma, Advocate
For Respondent/State	: Mr. Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/02/2021**

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.271/2020, registered at Police Station – Simga, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the 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 prosecutrix was not minor on the date of incident and her statement in the investigation reveals that she had willingly accompanied the applicant and resided with him and also had physical relation, which was based on consent. The prosecutrix and her father both have been examined in the Court and they have made admissions in their cross-examination, which are

in favour of this applicant. The applicant is in jail since 03.09.2020.

Hence, it is prayed that the applicant may 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 and her willingness or consent is of no consequence, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix was abducted by this applicant and then by keeping her in his custody, he had physical relation with her knowing that she was not competent to give any valid consent.
6. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix and her father and looking to the circumstances that are present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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