

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6725 of 2021

- Tamar Narsinghlu @ Koyara Rao S/o Tamar Chandraiya, Aged About 29 Years, R/o Village Malada, Police Station Chhattarpur, District Ganjam, (Odisha), District : Ganjam, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, GRP Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Praveen K. Dhurandhar, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-07-2021 in connection with Crime No.57/2021 registered at P.S. - GRP Bhilai, District Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 14-07-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. Complainant T. Bala Raju is present before this Court on notice along with the minor prosecutrix. He has stated that he has no objection in grant of bail to this applicant.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix of age about 16 years, kept her in his custody and sexually exploited her on pretext of marrying her until she was recovered by the police. Hence, this case.

7. Considered on the submissions. Looking to the facts and circumstances that are present and also considering on the submissions that have been made by the applicant's counsel and also that the complainant himself has no objection in grant of bail to the applicant, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge