

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.CR.C. No. 6751 of 2021

Anil Chakradhari Vs. State of C.G.

<u>05/10/2021</u>	None for the applicant. Mr. Ajay Kumrani, P.L. for the State. Complainant- Amrit Kumar Sonwani is present before this Court along with the prosecutrix on notice. He has objection in grant of bail to the applicant. Let this case be put up later on. Sd/- (Rajendra Chandra Singh Samant) Judge
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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6751 of 2021

- Anil Chakradhari S/o Ram Kumar Chakradhari, Aged About 21 Years, Village Datrengi, Thana Gidhpuri, (wrongly mention in the impugned order Gidhpuri), Baloda Bazar, Taluka, Bhatgaon, District Baloda Bazar-Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station House Officer - Thana Gidhpuri District Baloda Bazar-Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Deepak Kumar Jain, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-10-2021

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 25-07-2020 in connection with Crime No.69/2020 registered at P.S. - Gidhpuri District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366 (A), 376 of the IPC and under Section 04, 17, 18 of Protection of Children from Sexual Offences Act (POCSO Act), 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 25-07-2020. The prosecutrix was willing and consenting party which is reflected from her statement under Section 161 and 164 of the Cr.P.C. Therefore, no case is made out. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was below 16 years. Therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. The complainant has appeared today before this Court on notice. He has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the applicant and the prosecutrix were well acquainted to each other. It is alleged that this applicant abducted the minor prosecutrix, took her to his own house and while residing there he had physical relation with the minor prosecutrix knowing well that she was minor and incapable for giving consent.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 161 as well as 164 of the Cr.P.C., 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