

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6879 of 2021

- Dinesh Vishwkarma S/o Shri Gopal Vishwkarma, Aged About 23 Years, R/o Village Chicha Police Station and Tehsil Patan Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The S.H.O. P.S. Patan District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Shri Purnendra Khichariya, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2021

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 29-07-2021 in connection with Crime No.43/2021 registered at P.S. - Patan, District Durg, Chhattisgarh for the offence under Section 363, 366(A), 376(2) (ढ) of the IPC and Section 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 29-07-2021. The prosecutrix was not minor and further, she was a willing and consenting party. Marriage negotiation of the prosecutrix with the applicant has been initiated and the prosecutrix is at present residing with her in-laws. Therefore, there is no case present. Hence, it is prayed that the applicant 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. The complainant is represented by counsel Shri Purnendra Khichariya.

He has submitted that the complainant has no 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, it is alleged that this applicant abducted the minor prosecutrix of age about 17 years, kept her in his custody and had physical relation with her knowing well that she was minor and thus incapable of giving consent for such relation. Hence, this case.

7. Considered on the submissions. Looking to the facts and circumstances that are present and also that the complainant side 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