

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6818 of 2021**

Dilbar Ram S/o Late Naihar Sai Aged About 19 Years Caste- Kumhar, R/o Village Bataikela, Police Station Kansabel, District- Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tumla District- Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Somkant Verma, Advocate.
For the Respondent/State : Shri Ravi Bhagat, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.11.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed for want of prosecution on 16.8.2021 in M.Cr.C. No. 4871 of 2021. The applicant has been arrested in connection with Crime No.27 of 2021, registered at Police Station – Tumla, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376(2)(n) of the Indian Penal Code and Sections 5 & 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 26.5.2021 and has been falsely implicated in this case. The prosecutrix had been willing and consenting party, which is reflected from her statement under Section 164 of the Cr.P.C. and further, the prosecutrix was

not minor on the date of incident. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor of age below 18 years on the date of incident, therefore, her consent or willingness is immaterial. Hence, the applicant is not entitled for grant of regular bail.

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

5. According to the prosecution case, it is alleged that 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.

6. Considered the submissions and the facts that are present in the case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

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. 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

Nimmi