

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7304 of 2020

- Prateek Singh S/o Dudhan Singh, Aged About 18 Years, R/o Nayanpur, Police Station and Tahsil Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Surajpur, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-03-2021

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 09-07-2020 in connection with Crime No.268/2020 registered at Police Station – Surajpur, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376 (2-ढ), 376(2-झ) of the IPC and Section 4 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant intends to challenge the ground of minority of the prosecutrix in trial. The statement for the prosecutrix under Section 161 and 164 of the Cr.P.C. clearly shows about her willingness and consensual relationship with the applicant. Hence, there is no case against this applicant. Therefore, 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 of age below 16 years, therefore, her consent and willingness is immaterial. Hence, the applicant is not entitled for grant of bail.

4. Notice was issued to the complainant which has been returned served

for today, but there is no appearance and no representation.

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 and then by keeping her in his custody he has exploited her sexually knowing that she was not capable for giving consent.

7. Considered on the submissions. After looking to the statement that has been given by the prosecutrix under Section 161 and 164 of the Cr.P.C. and other circumstances present, 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