

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7638 of 2020

- Vivek Kumar Sidar S/o Saheblal Sidar, Aged About 19 Years, R/o Village Beladula Police Station and Tahsil Jaijpur, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, District Magistrate Raigarh District Raigarh Chhattisgarh and through the Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant/Respondent

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-02-2021

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 10-08-2020 in connection with Crime No.474/2020 registered at Police Station – Sarangarh, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor on the date of incident. The conduct of the prosecutrix, that she went and resided with the applicant for some time without making attempts to escape shows her consent. The prosecutrix was of age more than 17 years according to the entry in the school register. The applicant is in jail since 10-08-2020. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/respondent opposes the application submitting that on the date of incident the prosecutrix was minor, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.

4. Notice was issued to the complainant/informant which has been

returned served, but there is no appearance and no representation.

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

6. The prosecution case is this, that the applicant and the prosecutrix got acquainted with each other, then on 13-07-2020 the applicant allured the prosecutrix with promise to marry her and then abducted her. The prosecutrix was taken to different places where the applicant had physical relation with her without her willingness and consent. It is also alleged that the applicant performed a marriage with the prosecutrix in a temple. Hence, this case.

7. Considered on the submissions and facts of the case. Looking to the statement of the prosecutrix and other witnesses present in the case and other circumstances, 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