

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8192 of 2020**

Lukky Churendra, S/o. Shri Suman Singh Churendra, aged about 21 years,
R/o. Village Gade Kapsi, P.S. Pakhanjur, District North Bastar Kanker
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, P.S. Pakhanjur,
District North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Thakur, Advocate
For Respondent/State : Mr. Sameer Uraon, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/06/2021

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.190/2019, registered at Police Station – Pakhanjur, District – North Bastar Kanker (C.G.) for the offence punishable under Section 363, 366, 376(2) (N), 376 (3) of the Indian Penal Code. The first bail application M.Cr.C. No.2932 of 2020 was dismissed as withdrawn vide order dated 02.06.2020 and the second bail application M.Cr.C. No. 3774 of 2020 was again dismissed as withdrawn vide order dated 14.07.2020.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date incident and the relationship of the applicant with prosecutrix was consensual. The prosecutrix has been examined in the trial and she is not a reliable witness. Father of the prosecutrix has also been examined and he was unable to make the statement regarding exact age of the prosecutrix. The applicant is in jail since 20.12.2019. Trial is still not completed, therefore, he may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that clearly the prosecutrix was minor on the date of incident, therefore, any consent given on her part is immaterial. Therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix on pretext of marrying her and then by keeping her in his custody, he had physical relation with her knowing that she is minor and not capable for giving valid consent.
6. Considered on the submissions. Perused the copy of the deposition of the prosecutrix and her father. Taking into consideration all the circumstances present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram