

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7825 of 2020**

Gajanand Satnami S/o Sufaldas Satnami Aged About 22 Years R/o Kande,
Police Station Dondi, District Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The S.H.O., Police Station Dondi, District
Balod, Chhattisgarh.

---- Respondent

For the Applicant : Shri Avinash Chand Sahu, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.01.2021**

Heard.

1. This is the first 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.33 of 2020, registered at Police Station – Dondi, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(N) of the Indian Penal Code and Sections 4, 5(tha) and 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 8.9.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The proof of age of the prosecutrix shall be challenged in the trial. The statement of the prosecutrix about the

relationship being 4-year-old is vague without any details. Further, the prosecutrix has admitted about her marriage with the applicant. Hence, it is prayed that the applicant 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 according to the proof of date of birth, the prosecutrix was more than 16 years but her statement reveals her relationship with the applicant four years prior to the date of incident, therefore, the allegation against the applicant is serious. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. According to the prosecution case, it is alleged that the applicant and the prosecutrix both were having an affair. The applicant abducted the minor prosecutrix on 12.1.2020 and then she was taken by him to different places where he exploited her sexually on various occasions. After lodging of FIR, the case has been registered against this applicant.

7. Considered the submissions. After looking to the statement given by the prosecutrix under Sections 161 and 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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