

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7973 of 2020

- Deepak Kumar S/o Loha, Aged About 22 Years, Caste Chamar, R/o Village Bankata, Police Station Sikariganj, District Gorakhpur (U.P.), District : Gorakhpur, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Doundilohara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Bharat Gulabani, Advocate.

For Non-applicant/State – Mr. Kunal Das, Panel Lawyer.

Ms. Swati Verma, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-02-2021

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 28-09-2020 in connection with Crime No.66/2018 registered at Police Station – Doundilohara, District Balod, Chhattisgarh for the offence under Section 363, 366, 376 (2) (N) (3) of the IPC and Section 4, 5 (२)/6 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 prosecutrix is not minor. Further, the applicant and the prosecutrix both have performed marriage on 21-05-2019, therefore, the prosecutrix herself has no objection now in grant of bail to the applicant. Hence, it is prayed that this applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor when she was abducted and raped by this applicant. Therefore, no case is made out for grant of bail and the application may be rejected.
4. Complainant Vijay Kumar Mankar and the prosecutrix both are present

along with counsel Ms. Swati Verma and they have no objection in grant of bail to the applicant.

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

6. According to the prosecution case, the minor prosecutrix went missing on 05-03-2018. The FIR was lodged by father of the prosecutrix on 29-03-2018. The prosecutrix was then recovered and according to her statement the case of abduction and rape is made out against this applicant. Hence, this case.

7. Considered on the submissions. The minority of the prosecutrix is being challenged by this applicant. Further, there is statement about marriage present in the diary statement of the witnesses and also that the prosecutrix herself has no objection in grant of bail to the applicant. Therefore, 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