

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8105 of 2020**

Prakash Bandhe, S/o. Agardas Bandhe, aged about 19 years, R/o. Ward No. 3, Purani Basti, Kundru Tandwa, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Utai, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahim Ubawani, Advocate
For Respondent/State	: Mr. Afroj Khan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/01/2021**

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.122/2020, registered at Police Station –Utai, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
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 of age below 18 years, she had willingly accompanied and resided and had physical relation with the applicant. Hence, no case is made out against this applicant. Hence, it is prayed that the applicant 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 the prosecutrix was minor, therefore, any willingness or consent on her part is of no consequences. Hence, this applicant is not entitled for grant of bail.

4. Prosecutrix is present in person before this Court on notice. She has stated that she has no objection in grant of bail to the applicant. She has also submitted that she has separately sworn affidavit in support of the application.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the applicant abducted the minor prosecutrix and then by keeping her in his custody, he has exploited her sexually.
7. Considered on the submissions and the facts of the case and the statement of no objection made by the prosecutrix and looking to the other circumstances present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge