

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8157 of 2020

- Amrit Lal Kurrey S/o Shri Tilak Ram Kurrey, Aged About 30 Years, Caste - Satnami, Occupation- Labour, R/o. Village- Kalmi, P.S. Malkharoda, District- Janjgir-Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Station House Officer Malkharoda, District- Janjgir-Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-01-2021

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 19-10-2020 in connection with Crime No.71/2014 registered at Police Station – Malkharoda, District- Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 of 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 applicant intends to challenge the ground of minority of the prosecutrix in trial. The prosecutrix willingly accompanied the applicant and resided with him. Both of them have performed marriage and are having two children. The prosecutrix has no objection in grant of bail to the applicant. Therefore, it is prayed that the application be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident age of the prosecutrix was 14 years and 6 months, therefore, her willingness and consent is of no consequence and the

offences registered against the applicant are made out. Hence, the application may be rejected.

4. Rajendra Sonwani, father of the prosecutrix and the prosecutrix both are present before this Court on notice. They have stated that 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, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then after performing sham marriage with her he kept her in his custody continuously and exploited her sexually on numerous occasions.

7. Considered on the submissions and facts of the case. Looking to the statement that has been made by the prosecutrix and her father, I am of this view that the applicant should be enlarged on bail.

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