

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8315 of 2020

- Virendra Kumar Lakda S/o Babulal Lakda, Aged About 22 Years, Caste Uraon, R/o Village Manpur, Police Station and Tahsil Pratappur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Ramanujnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri V.K. Pandey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-01-2021

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 28-02-2020 in connection with Crime No.28/2020 registered at Police Station – Ramanujnagar, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 4 & 6 of the 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 relation of the applicant with the prosecutrix was on consensual basis. The prosecutrix was not minor on the date of incident. She has stayed with the applicant for about 17 days without making any complaint or making any attempt to escape from his custody. Hence, no case is made out against the applicant. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, any consent or willingness on her part is immaterial. The diary statement of the prosecutrix also does not show that she was a consenting party. Hence, the

application may be rejected.

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

5. According to the prosecution case, the applicant and the prosecutrix acquainted with each other. It is alleged that on 10-02-2020 the applicant abducted the minor prosecutrix who was then kept in his custody and exploited sexually regularly until she was recovered on 28-02-2020.

6. Considered on the submissions and facts of the case and considering on the statement that has been given by the prosecutrix in the investigation and other circumstances, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge