

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8796 of 2020

Parakiran Babu @ Shrikant @ Kanti, S/o Shri Nagaraju, Aged About 25 Years, R/o No. 6-22 Colony Nidamsru Mangalgiri Mandal Police Station Mangalgiri, District- Guntur (Andhra Pradesh)

--- Applicant

Versus

State of Chhattisgarh, Through: SHO Lormi, District- Mungeli (C.G.)

--- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.

For State/ Respondent : Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/03/2021

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. 404/2020, registered at Police Station- Lormi, District- Mungeli (C.G.) for the offence punishable under Section 363, 366, 376, 344, 506 of IPC and Section 4, 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 07.08.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and further, she had willingly come to the place of the applicant, married him and resided with him having matrimonial bond. No case is made out against this applicant, hence, it is prayed that

this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date and time of the incident, therefore, any consent or willingness on her part, is of no consequence, therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually, regarding which, FIR has been lodged.
6. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and the other circumstances present, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge