

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8473 of 2020**

Deepak Bhosle S/o Shri Ravindra Bhosle Aged About 20 Years Village
Miranagar E 6 Arera Colony Police Station Habibganj District Bhopal
Madhya Pradesh., District : Bhopal, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO Fasterpur District Mungeli
Chhattisgarh.

---- Respondent

For the Applicant : Shri Dheerendra Pandey, Advocate.
For the Respondent/State : Shri Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.03.2021**

Heard.

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.129 of 2019, registered at Police Station – Fasterpur, District – Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 14.9.2019 and has been falsely implicated in this case. The trial against him has not made any progress. The prosecutrix has not been examined till date. The statement of the prosecutrix under Section 164 of

the Cr.P.C. reveals that she had love affair with the applicant and it was the prosecutrix who left her parental house and forced the applicant to take her with him and the relationship between them was consensual. The prosecutrix was not minor on the date of incident. Hence, it is prayed that the applicant 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 on the date of incident and her consent or willingness is immaterial. Hence, the applicant is not entitled for grant of bail.

4. Complainant – Santosh Anchal has appeared on notice. He has objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant allured the minor prosecutrix and then abducted her, took her to Bhopal where she was kept in his custody and exploited sexually.

7. Considered the submissions. Perused the certified copy of the statement of the prosecutrix under Section 164 of the Cr.P.C. has been filed alongwith the application and also considering the fact that the trial is getting delayed, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge