

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8255 of 2020**

Avinash Nut S/o Santosh Nut Aged About 22 Years R/o Chirha Police Station Dadhi District - Bemetara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through, Station House Officer, Police Station - Dharsiva District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Vivek Kumar Tripathi, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.01.2021**

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.354 of 2020, registered at Police Station – Dharsiva, District – Raipur, 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 has been falsely implicated in this case. The prosecutrix was not minor, who willingly accompanied the applicant and has also performed marriage with him. Totally, a false FIR has been lodged by the mother of the prosecutrix. Hence, it is prayed that the applicant be enlarged on bail during the

pendency of trial.

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 on the date of incident the prosecutrix was minor of age below 18 years, therefore, any consent or willingness on her part does not absolve the applicant from guilt. Hence, no case is made out for grant of bail to the applicant.

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

5. According to the prosecution case, on 3.9.2020, the applicant abducted the minor prosecutrix of age below 18 years then he performed marriage with her and also had physical relation which amounts to commission of offence of rape. The prosecutrix was then recovered from the custody of this applicant on 22.9.2020.

6. Considered the submissions and the facts of the case. After looking to the statement given by the prosecutrix under Sections 161 and 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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

Nimmi