

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8591 of 2020**

Dileshwar Sahu, S/o. Late Shri Hiranman Lal Sahu, aged about 24 years, R/o. Village Bori, P.S. Suregaon, Post Kashikala, Tahsil - Dondilohara, District Balod Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Police Station - Arjuni, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahil Arun Kochar, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**21/01/2021**

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.237/2019, registered at Police Station –Arjuni, District – Dhamtari (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant intends to challenge the ground of minority of the prosecutrix in the trial otherwise, the prosecutrix had been a consenting party, which is

reflected from her statement under Section 161 of Cr.P.C. The applicant is in jail since 21.09.2020. Hence, it is prayed that the applicant may 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 of age below 16 years, therefore, any consent or willingness on her part is of no consequence, therefore, the offences registered against the applicant is made out. Hence, this applicant is not entitled for grant of bail.
4. Prosecutrix is present in person before this Court on notice. She has stated that she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant allured the prosecutrix with promise to marry her and then by abducting her took her to a place Secunderabad, where both of them performed marriage. Subsequent to which, they engaged in physical relation, which has resulted in birth of a child. Hence, this case.
7. Considered on the submissions and the statement of the prosecutrix given under Section 161 of Cr.P.C. and also the statement of no objection by the prosecutrix. Considering the same, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram