

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7825 of 2021**

- Satish Kumar Saytode, S/o Sheet Kumar Saytode, aged about 19 years, resident of Nawagaon, PS Gidhpuri, Distt. Balodabazar Bhatapara (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh through the Police Station Gidhpuri, District Balodabazar Bhatapara (CG)

---- Non-applicant

For Applicant	:	Mrs. Supriya Upasane, Advocate
For Non-applicant	:	Mr. Raghvendra Verma, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****17.11.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 8.9.2021 in connection with Crime No.65/21 registered at Police Station Gidhpuri, District Balodabazar-Bhatapara (CG) for commission of offence punishable under Sections 363, 366 of IPC and Sections 17 & 18 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 7.9.2021 at 12:00 noon prosecutrix along with her elder sister had gone to village Bharuwadih to purchase fancy articles; at that time applicant came there on motorcycle, eloped the prosecutrix on the pretext of marriage and went to house of his aunt in Raipur where they stayed in night. Mother of prosecutrix lodged missing report of prosecutrix in concerned police station based upon which crime is registered and during the course of investigation, the

prosecutrix was recovered from the company of applicant from the house of his aunt. Statement of prosecutrix was recovered based on which applicant was arrested.

3. Mrs. Supriya Upasane, learned counsel for applicant would submit that prosecutrix is more than 16 years of age; in the statement recorded under Section 164 of CrPC before the Magistrate, prosecutrix has not made any allegation that applicant had established physical relationship with her. On the contrary, prosecutrix has stated that she and applicant are known to each other, they are having love affair. Applicant is in jail since 8.9.2021, hence he may be released on regular bail.
4. On the other hand, Mr. Raghvendra Verma, learned Government Advocate for State opposes submissions made by learned counsel for applicant and submits that on the date of incident, prosecutrix was less than 18 years of age, she was recovered from the company of applicant from the house of his aunt, hence applicant is not entitled to bail.
5. Prosecutrix and her mother are present in person. They submit that they have no objection in grant of bail to applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration entirety of facts and circumstances of case, nature of allegations levelled against applicant; material collected by prosecution; tender age of applicant, without commenting anything on merits of case, I am inclined to release applicant on regular bail.
8. Accordingly, the application is allowed and 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 local surety in the like sum to the satisfaction of the Court below concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with prosecution witnesses.
- c) If applicant is found involved in similar kind of offence in future, it will be open for the State to apply for cancellation of his bail.

9. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-