

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8697 of 2020**

Dumesh Kumar Gupta, S/o. Shri Brij Lal Gupta, aged about 23 years, R/o. Gadaghat, Police Station - Panduka, District Gariyaband, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - The Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shikhar Sharma, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.
For Complainant	: Mr. Avinash Chand Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/02/2021**

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.452/2020, registered at Police Station –Gunderdehi, District – Balod (C.G.) for the offence punishable under Section 363, 366, 376 (2) (a) of the Indian Penal Code and Section 4, 5 (a)/ 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 prosecutrix was

not minor on the date of incident. In fact the marriage of the applicant with the prosecutrix was negotiated and because of some misunderstanding, the false FIR has been lodged. The later on development is this that the complainant Dineshwari Gupta had filed an affidavit in support of this application before the Sessions Judge, but the same was not considered. 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 and there are allegation in her statement under Section 161 of Cr.P.C. against the applicant according to which the offences are made out. Therefore, no case is made out for grant of bail.
4. Mr. Avinash Chand Sahu, Advocate appearing on behalf of the complainant submits that the complainant has no objection in grant of bail to this 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 abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody, he had physical relation with her knowing well that the prosecutrix was not legally entitled to give any consent for the same.
7. Considered on the submissions and the facts of the case. Looking to the statement of no objection by the complainant side, 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