

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8437 of 2020**

Arvind Tigga S/o Late Nestor Tigga Aged About 30 Years Caste Uraon,
Resident Of Chatakpur, Police Station Duldula, District Jashpur
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Duldula, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Chauhan, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.01.2021**

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.14 of 2020, registered at Police Station – Duldula, District – Jashpur, 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 28.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant and the prosecutrix both are married and they are having a child. The prosecutrix had also given an affidavit before the Sessions Court making a submission

that she has no objection for grant of bail to the applicant, which was not considered. 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 on the date of incident, the age of the prosecutrix was below 16 years and further, the relationship of the applicant with the prosecutrix amounts to the commission of offence of rape. Hence, no case is made out for grant of bail to the applicant.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. The prosecution case is that the minor prosecutrix of age 15 years 2 months was abducted by this applicant on 15.6.2018. The father of the prosecutrix lodged a missing report on 29.2.2020. Subsequent to which, the prosecutrix was recovered on 12.6.2020 from this applicant and then according to the statement given by her, the offences have been registered against this applicant.

7. Considered the submissions and the facts present in this case. The bail rejection order mentions about the statement on affidavit given by the prosecutrix which is in favour of this applicant, hence, under these circumstances, 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