

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8644 of 2020**

Jitendra Kumar Salam @ Roshan S/o Somnath Aged About 25 Years
Residing At Village Bakulvahi Police Station Narayanpur Present Address
Kukdajhore Tahsil Narayanpur District Narayanpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh The Police Station Narayanpur , District Narayanpur
Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Shri Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.01.2021**

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.106 of 2020, registered at Police Station – Narayanpur, District – Narayanpur, Chhattisgarh for the offence punishable under Sections 363 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.08.2020 and has been falsely implicated in this case. The statement given by the prosecutrix shows that there had been an affair between her and the applicant. The prosecutrix had appeared before the Sessions Court and stated that she has no objection in grant of bail to the

applicant. 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 the age of the prosecutrix was only 14 years on the date of incident, 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. Notice issued to the complainant 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 case of the prosecution is that this applicant by giving allurement to the prosecutrix has abducted her from the lawful custody of her parents and then by keeping her in his custody he exploited her sexually.

7. Considered the submissions and the facts present in this case. On perusal of the rejection order, it is found that there is mention of the appearance of the prosecutrix and her mother regarding the statement made for no objection in grant of bail to the 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