

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8915 of 2020**

Shashank Shriwas @ Sonu, S/o Prahlad Shriwas, Aged About 23 Years
Caste - Shriwash, R/o - Bhoghapara Shivrinarayan, Police Station -
Shivrinarayan, District - Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Station -
Shivrinarayan, District - Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Akhtar Hussain, Advocate.
For the Respondent/State	:	Shri Kunal Das, P.L.
For the Complainant	:	Shri Ravindra Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.01.2021**

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.424 of 2020, registered at Police Station – Shivrinarayan, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 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 15.10.2020 and has been falsely implicated in this case. The prosecutrix is not minor. The father of the prosecutrix has given an affidavit

in support of this application making a statement of 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 prosecutrix was clearly a minor of age below 18 years on the date of incident, therefore, her willingness and consent are immaterial. The offences registered against the applicant are clearly made out. Hence, no case is made out for grant of bail to the applicant.

4. Shri Ravindra Sharma, Advocate present before this Court alongwith complainant – Radhe Shyam Soni and he has submitted that the complainant has no objection in grant of bail to this applicant.

5. Heard 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 on 29.9.2020. A missing report was lodged by the father of the prosecutrix and then the prosecutrix was recovered on 14.10.2020. According to the statement given by her, the offences have been registered against the applicant regarding the commission of offence of abduction and rape.

6. Considered the submissions. After perusing the statement of the prosecutrix under Section 164 of the Cr.P.C. and also considering the fact

that at present, the complainant's side has no objection in grant of bail to the applicant and further, the trial of the case is likely to take some time for its final disposal, therefore, the application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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