

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8518 of 2021**

- Sunil Todem @ Bunti S/o Shankar Todem, aged about 20 years, Caste-Gond, Panarapara, P.S. & Dist. Bijapur (CG)

---- Applicant
(In Custody)

Versus

- State of Chhattisgarh, through P.S. Bodhghat, Distt. Bastar.

---- Non-applicant

For Applicant	:	Mr. Vikas Shrivastava, Advocate
For Non-applicant	:	Mr. Jitendra Singh, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****03/12/2021**

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 23.9.2021 in connection with Crime No.257/2021 registered at Police Station Bodhghat, District Bastar (CG) for commission of offence punishable under Sections 363, 366 & 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of prosecution, in brief, is that on 7.9.2021 at about 12:00 noon applicant allured and abducted victim girl, took her to his house and there committed sexual intercourse with her several times. Based on missing report lodged by father of prosecutrix, FIR was registered against unknown person for commission of offence under Section 363 of IPC. During the course of investigation, police recovered victim girl from house of applicant on 18.9.2021. Based on her statement recorded under Section 161 CrPC, applicant was arrested on 23.9.2021 in connection with crime in question.
3. Mr. Vikas Shrivastava, learned counsel for applicant would submit that allegation of allurement, abduction and commission of sexual intercourse with victim is levelled by her on account of pressure of her father. In the statement recorded under Section 161 CrPC on 21.9.2021, she has not made any allegation of any nature against applicant; rather she stated that she herself left her house and applicant has not committed any wrong with her. Applicant is in jail since 23.9.2021, hence he may be enlarged on regular bail.
4. On the other hand, Mr. Jitendra Singh, Panel Lawyer for the State

opposes the submissions of learned counsel for applicant and submits that on the date of incident, age of victim girl was 17 years, hence applicant is not entitled for grant of regular bail. In support of his contention, he readout her statement recorded under Section 161 of CrPC. However, upon putting specific query with regard to statement of victim recorded under Section 164 CrPC, he submits that it is also part of case diary in which she has not made any allegation against applicant.

5. Victim girl along with her father is present before this Court through virtual mode from the District Legal Services Authority, Jagdalpur. She submits that she is having no objection in grant of regular bail to applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration facts and circumstances of case, nature of allegations, statement of victim girl recorded under Section 164 CrPC; period of detention i.e. since 23.9.2021, without commenting anything on merits of case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed and it is directed that applicant shall be released on regular 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 trial Court concerned on the conditions that;
 - a) he shall appear before 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 he is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-