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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9432 of 2020**

Prem Shah @ Hariom Shah, S/o. Rajinder Shah, aged about 19 years, R/o. Baya Para, Police Station- Beriya, District- Baliya (U.P.).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- Urla, District- Raipur (C.G.).

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy.G.A.
For Complainant	: Mr. R.K. Pali, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/01/2021**

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.350/2020, registered at Police Station –Urla, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 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. The statement of the prosecutrix under Section 164 of Cr.P.C. shows that she had an affair with the applicant and relation was consensual. 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 there is evidence in the diary statement that the applicant abducted and raped the minor prosecutrix of age below 16 years, therefore, no case is made out for grant of bail to the applicant.

4. Complainant – Ghashiram Dhruw is present before this Court along with the prosecutrix. He submits that he has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in his custody, he exploited her sexually.
7. Considered on the submissions and the facts of the case. After looking to the statement that has been given by the prosecutrix under Section 164 of Cr.P.C. and the statement of no objection made 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