

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9439 of 2020**

Balram Rajak S/o Pusau Rajak Aged About 23 Years Caste Dhobi R/o Ward No. 11, Tikripara, Gandai, Police Station Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the Station House Officer, Police Station Gandai, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate.
For the Respondent/State	:	Ms. Binu Sharma, P.L.
For the Complainant	:	Shri Govind Dewangan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.03.2021**

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.135 of 2018, registered at Police Station – Gandai, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) 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 22.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further, the marriage of the prosecutrix with the applicant has been performed and she is also having

a child out of this wedlock. At present, the prosecutrix resides in the house of the applicant with his parents. 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 below 16 years, therefore, her consent or willingness is immaterial. Looking to the statement given by her in the investigation, the applicant is not entitled for grant of bail.

4. Learned counsel for the complainant submits that the complainant has no objection in grant of bail to the 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 used to have physical relation with the minor prosecutrix on numerous occasions because of which, she became pregnant. When she informed the applicant about the pregnancy, the applicant took her to some place without consent and willingness of the parents of the minor prosecutrix which amount to commission of offence of abduction.

7. Considered the submissions and the facts that are present in the case. Taking into consideration the statement of no objection made by the complainant side, 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