

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9454 of 2020

- Bhawani Gendle S/o Rajaram Gendle, Aged About 22 Years, R/o Village Tiladih, Police Station Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Rakhi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Rajeev Kumar Dubey, Advocate.

For Non-applicant/State – Ms. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

18-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-11-2020 in connection with Crime No.204/2019 registered at Police Station – Rakhi, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 04-11-2020. The prosecutrix was not minor and her statement shows about the affair, relationship and marriage of the applicant with the prosecutrix. Therefore, no case is made out. Hence, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and looking to her statement present under Section 161 of the Cr.P.C., no case is made out for grant of bail. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that the applicant had affair with the minor

prosecutrix, because of which he abducted her, took her to Hyderabad where both of them married and then the prosecutrix was exploited sexually knowing well that she was minor and not capable of giving consent.

6. Considered on the submissions. Looking to the statement of the prosecutrix and other circumstances present, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge