

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9519 of 2020**

Sandeep Khunte S/o Shri Maniram Khunte Aged About 23 Years R/o Village- Nagoi, Police Station- Takhatpur, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Pathariya, Civil And Revenue District- Mungeli, Chhattisgarh.

---- Respondent

For the Applicant : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Ms. Anjali Singh Chauhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.03.2021**

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.398 of 2020, registered at Police Station – Pathariya, District – Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 29.10.2020 and has been falsely implicated in this case. The prosecutrix has stated under Section 164 Cr.P.C. before the Magistrate that her parents intended to marry her because of which, she called the applicant

and asked him to marry her but the applicant refused and on her insistence the applicant took her with him to his parents who tried to convince the prosecutrix that such marriage could not be performed and then, she went to stay in the house of the sister of the applicant, from where she was recovered by the parents, hence, there is no case of abduction or rape against 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 age of the prosecutrix is only 13 years and looking to the allegations present, the applicant has no entitlement for grant of bail. Hence, the application be rejected.

4. Complainant – Smt. Indrani Patre is present before this Court on notice. She stated that she has 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 abducted the minor prosecutrix and then by keeping her in his custody he ravished her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts that are present in the case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C.

and the submissions made by the applicant's side find support, therefore, 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