

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 79 of 2021**

Devraj Thakur S/o Rikhi Ram Thakur, Aged About 22 Years R/o Village Dania P.S. Gandai District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.02.2021**

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.2 of 2019, registered at Police Station – Bori, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 376(3)(dha) and 506 of the Indian Penal Code and Sections 5(b) 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 19.10.2020 and has been falsely implicated in this case. The prosecutrix is not minor. The statement under Section 164 of the Cr.P.C. clearly reflects that she had willingly gone with the applicant to Hyderabad to perform marriage and resided with him having physical relation, hence, no

offence has been committed. 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 prosecutrix was minor of age below 16 years, therefore, her consent or willingness is of no consequence. Hence, no case is made out for grant of bail to the applicant.

4. The notice was issued to the complainant, who appeared on 15.2.2021 through video conference from the help-desk of DLSA, Durg and made a statement of no objection in favour of this 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 of age 15 years 6 months on pretext of marrying her and then by keeping her in custody he has exploited 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 also perused the statement of the prosecutrix under Section 164 of the Cr.P.C. Hence, for these reasons, 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