

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 175 of 2021

Ajeet Sarthi, S/o Hiralal Alias Resham Sarthi, Aged About 24 Years,
R/o Sakin-Pasid, Thana- Kosir, Present Address- Pendravan, Thana-
Sarsiwa, District- Baloda Bazar-Bhatapara (C.G.) --- **Applicant**

Versus

State of Chhattisgarh, through the Police Station Sarsiwa, District-
Balodabazar-Bhatapara (C.G.) --- **Respondent**

For Applicant : Ms. Supriya Upasane, Advocate.

For State/ Respondent : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09/03/2021

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. 235/2019, registered at Police Station- Sarsiwa, District- Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 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 18.07.2020 and has been falsely implicated in this case. The prosecutrix was fully consenting and willing party, which is reflected from her statement under Section 161 & 164 of the Cr.P.C. The ground of minority of the prosecutrix is doubtful. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 16 years on the date of incident, therefore, any consent or willingness on her part, is immaterial. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that this applicant abducted the minor prosecutrix and took her to places like Bhandara, then somewhere in Orrisa and then to Udhampur. During the stay in these places, he had physical relation with the prosecutrix, until the prosecutrix was recovered by the police.
6. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix that has been given under Section 161 & 164 of the Cr.P.C. and also the other circumstances present, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge