

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6062 of 2017

Eshwar Singh, aged about 22 years, S/o. Etwar Singh, R/o. Village-Kendai,
P.S. - Bango, District -Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Police Chouki – Bachra Podi, P.S. –
Khargawan, District – Korea (C.G.).

---- Respondent

For Applicant : Mr. Pawan Shrivastava, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/11/2017

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.118/2017, registered at Police Station – Khadgawan, District – Korea (C.G.) for the offence punishable under Section 363, 365, 355 of the Indian Penal Code and 16, 18 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. It is further submitted that the

prosecutrix in this case had on her own freewill, accompanied the applicant and she was having love affair with the applicant prior to this incident. Applicant is also a student, he has been falsely implicated in this case. 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 in this case is below 18 years of age and consent in such cases is immaterial, hence for this reason, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecutrix is aged about 16 years, she went missing on 20.07.2017. The father of the prosecutrix lodged the FIR on 23.07.2017, naming the applicant as the abductor of his daughter. Police has recovered the prosecutrix from the custody of the applicant, thereafter, the case has been registered, investigated and charge-sheet has been filed.
6. Considering on the submission made and the contents of the case diary and further looking to the fact that the applicant is resident of P.S. -Bango, District – Korba, his availability for the trial can be ensured, the trial of the case against the applicant is likely to take sometime for final conclusion, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed.

8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram