

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6941 of 2017**

- Dheera Das S/o Jairam Das, Aged About 22 Years, R/o Village Bansa, Police Station Ambikapur, District Revenue And Civil Surguja Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Dhaurpur, District Revenue And Civil Surguja Chhattisgarh , Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri S.D. Singh, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

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

**Order on Board**

**17-01-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 26-6-2017 in connection with Crime No.43/2017 registered at P.S. Dhaurpur, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376 (2)(एन), 506-B of the IPC and 05(ढ), 06 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is adult and above the age of 18 years. She has accompanied the applicant on her own and there had been consensual relationship between them. Hence, no case is made out against the applicant. He is in jail since 26-06-2017. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that the prosecutrix was below 18 years of age on the date of incident, hence, no case for bail is made out in favour of the applicant.

4. Heard learned counsel for the parties and perused the case diary.

5. As the case is, the applicant allured the prosecutrix with promise to marry and took her to a place in Ambikapur and while staying there he forcefully committed sexual intercourse with the prosecutrix. The prosecutrix was recovered by her brother and maternal uncle and thereafter FIR was lodged by her in the police station.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration all the facts and circumstances of this case, I am of this view that the applicant should be released on bail during pendency of the trial. Hence, for these reasons, this application filed by the applicant for regular bail deserves to be allowed.

8. Consequently, the application (MCRC No.6941/2017) filed under Section 439 of the Cr.P.C. by the applicant 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.

9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge