

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7464 of 2017

- Ramesh Singh S/o Shri Parshuram Singh Aged About 18 Years R/o Block No. 7 , House No. 122 , Atal Awas Police Station Kabir Nagar District Raipur Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kabir Nagar District Raipur Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate.
For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 77/2017, registered at Police Station- Kabir Nagar, District – Raipur(C.G.) for the offence punishable under Sections 366, 376 of Indian Penal Code(for short 'IPC') and Sections 4 & 6 of POCSO Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 1.10.2017. The prosecutrix in this case is not a minor girl and she willingly accompanied the applicant to various places and willingly gave consent for sexual intercourse for which she was competent. It is also submitted that applicant and the presecutrix had performed marriage

and were living together when the prosecutrix was recovered from the custody of this applicant. No case is made out against this applicant, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix had been minor of age 16 years on the date of incident, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. A missing report was lodged on 11.9.2017 by father of the victim Chandra Shekhar Pandey on the basis of which FIR under Section 363 was lodged against unknown person. Prosecutrix was recovered on 30.9.2017 from the custody of this applicant by the police, thereafter, the case was registered against the applicant.
6. Considered.
7. On-going to the statement of the prosecutrix under Section 164 of Cr.P.C. present in the case diary, I am of this view that applicant is in jail since 1.10.2017 and he should be benefited with the grant of regular bail during the pendency of trial.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge