

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3467 of 2019

- Amardeep @ Naktu S/o Palas Ram Aged About 22 Years R/o Bataikela Ghodapara Police Station Sitapur District- Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Nishi Kant Sinha, Advocate.
For Non-applicant/State	:	Mr. Avinash Kumar Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-07-2019

Heard.

1. This is the First application for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 35/2019, registered at Police Station- Sitapur, District- Surguja (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. and 5(L) and 6 of POCSO Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix in this case is not a minor girl and she had been a consenting party, who had willingly accompanied the applicant to different places seeking labour work during which physical relation was established between them on the basis of consent of each other. Therefore, no offence of rape is made out. The applicant is in jail since 03.04.2019. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State opposes the application and submits that

the prosecutrix is minor according to the date of birth that is entered in the school register. Therefore, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. The F.I.R. has been lodged on the basis of the missing report lodged by the mother of the applicant against this applicant in which it is alleged that the applicant has abducted the minor prosecutrix and has ravished her and exploited her sexually. Hence, this case.
6. After considering on the material present in the case diary and perusing the statement of the prosecutrix under Section 164 of Cr.P.C., I feel inclined to allow this application.
7. Hence, the application is 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge