

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3882 of 2019

- Raju Verma, S/o Awadh Verma, Aged About 28 Years, R/o Village Kewanchhi, Police Station-Abhanpur, District-Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjeev Kumar Sahu, Advocate.

For Respondent/State : Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/07/2019

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.158/2019 registered at Police Station-Bemetara, District-Bemetara(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and U/s 8 & 12 of the POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 01.04.2019. No case is made out against this applicant. The prosecutrix was consenting party and she had willingly accompanied the applicant and had physical relation with him. The applicant intends to dispute the age of prosecutrix and prove that she was of age above

18 years, therefore, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the school certificates, the prosecutrix was age of 17 years and 6 months on the date of incident, therefore, she was minor. Hence, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, this applicant allured the prosecutrix with a false promise to marry her and thereafter he abducted and by keeping her in different places, the offence of rape was committed with her.
6. After considering the facts and circumstances of this case, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge