

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5157 of 2019

Domendra @ Sattu, S/o. Late Krishna Sahu, Aged About 19 Years, R/o. Baba Shinghori, Tahsil- Berla, Police Station- Bemetara, District- Bemetara 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. Neeraj Pradhan, P.L.
For Complainant	: Mr. Kamlesh Kumar Pandey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2019

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.373/2019, registered at Police Station –Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The applicant is in jail since 19.07.2019. The prosecutrix in this

case is major and she had been a consenting party. In further development, the applicant has married the prosecutrix and the prosecutrix herself has no objection in grant of bail to the applicant. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Complainant/informant in this case is present before this Court along with the prosecutrix through Mr. K.K. Pandey, Advocate and he has made statement that he has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case this applicant allured the minor prosecutrix of age about 16 years and 11 months with false promise to marry her and then has exploited sexually. Hence, this case.
7. Considered on the submissions made and the contents of the case diary. Considering that the age of the prosecutrix has been disputed by the applicant side and the further there is no objection made by the complainant himself stating that the applicant and the prosecutrix both have married, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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