

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5042 of 2019

- Prabhu S/o Rajkumar Chauhan Aged About 20 Years R/o Village- Pausari, Police Station Nandghat, District Bemetara Chhattisgarh, Present Address- Gokulnagar, Police Station - Jagdishpura, District Agra Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Non-applicant/State : Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 05.06.2019 in connection with Crime No.254/2018, registered at Police Station— Sahaspur, Lohara, District- Kabirdham, Chhattisgarh for offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 3 and 4 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 05.06.2019. No case is made out against him. The prosecutrix is of age more than 18 years and she had been a consenting party. The only evidence regarding minority of the prosecutrix is entry in the school register which is not a credible proof. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is resident of another State and there is evidence present to show that the prosecutrix was minor on the date of incident, therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant allured the prosecutrix with a false promise to marry her and then exploited her sexually by performing a fake marriage. Hence, this case.
6. Considered on the material present in the case diary and after perusal of the statement of the prosecutrix under Section 164 of I.P.C. and other evidence present in the case diary, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge