

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5192 of 2019

- Ashok Suryawanshi, S/o Tijram Suryawanshi, Aged About 24 Years, R/o Baima Nagoi, Daihan Para Sarkanda, Bilaspur, District - Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, P.S. Sarkanda, Bilaspur, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Atanu Ghosh, Advocate.
For Respondent	:	Mr. Kapil Maini, Panel Lawyer.

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

01/10/2019

- 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.669/2019 registered at Police Station–Sarkanda, Bilaspur, District– Bilaspur(C.G.) for the offence punishable under Sections 376, 417 of the Indian Penal Code and Section 4 & 6 of POCSO Act.
- Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 21.07.2019. The prosecutrix is not a minor. The 164 of CrPC statement of prosecutrix itself shows, that there had been a love affair and the applicant is ready to marry with the prosecutrix, 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 prosecutrix was of age below 18 years on the date of incident, therefore, no case is made out in favor of the applicant, hence, he 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 promise to marry her and exploited her sexually from 19.11.2018 till the date of lodging of FIR i.e. 21.7.2019 and, thereafter, he refused to marry the minor prosecutrix.
6. On perusing the statement of prosecutrix under Section 164 of CrPC, it is found that she has admitted the love affair and also she and the applicant both have agreed to marry each other, for this reason, 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 bail on 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