

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5243 of 2019

- Sedram Painkra, S/o Shri Shatruhan Painkra, Aged About 20 Years R/o Village Ward No. 02, Gudi Chowk, Tarasiv, Police Station City Kotwali, District-Balodabazar, Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station City Kotwali, Balodabazar, District-Balodabazaar, Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For Respondent : Mr. Priyanshu Gupta, Panel Lawyer.

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

20/09/2019

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.10/2019 registered at Police Station–City Kotwali, Balodabazar, District– Balodabazar(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 of POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 25.06.2019. The prosecutrix in this case is not a minor and she had been a consenting party through out. The case is now pending for trial, 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 a minor of age about 16 years on the date of incident, therefore, her consent is immaterial, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. As alleged, this applicant allured the prosecutrix with promise to marry her and then after abducting her took her to different places in Uttarpradesh where he exploited her sexually. Hence, this case.
6. On perusal of the statement of prosecutrix under Section 164 of CrPC, it appears that she was consenting party and the applicant intends to contest the age proof on which prosecution relies, therefore, 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