

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3237 of 2019

- Ashok Sahani S/o Bhuneshwar Sahani Aged About 23 Years R/o Village Purbahitola, Police Station Lakhaura, Motihari Bihar At Present R/o Kachna Fatak Telibandha, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District Raipur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. C.R. Sahu, Advocate.
For Non-applicant/State	: Mr. Roshan Dubey, Panel Lawyer.
For Objector	: Mr. S.D. Sahu, Advocate.

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

30-09-2019

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 31.07.2019 in connection with Crime No.224/2015, registered at Police Station—Mandir Hasaud, District- Raipur, Chhattisgarh for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 3 and 4 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 31.07.2019. The prosecutrix in this case is a major girl and she was a consenting party. Further, the prosecutrix herself and the complainant do not have any objection in grant of bail. Therefore, it is prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application.

4. The complainant- Jaya Mandal and prosecutrix both are present in person along with learned counsel- Mr. S.D. Sahu, who has stated that they have no objection in grant of bail to the applicant and also that the applicant and the prosecutrix both have married and are having a child and also that the prosecutrix age is 21 years.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix of aged about 14 years on 05.08.2015 and then performing a marriage with her has exploited her sexually.
7. Considering on the submissions made and perusing the entire material present in the case diary and for the reason that the complainant/informant and the prosecutrix do not have any objection in grant of bail to the applicant, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge