

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5438 of 2019**

Avdhesh @ Sonu Pandey, S/o. Pradeep Pandey, Aged About 21 Years, R/o. Near Ravanbatha Road, Bhatagaon Raipur, P.S. Purani Basti, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station, New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Jitendra Shukla, P.L.
For Complainant	: Mr. S.P. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**01/10/2019**

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.207/2019, registered at Police Station – New Rajendra Nagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376, 506, 34 of the Indian Penal Code and Section 4 & 6 of POCSO Act..
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 05.07.2019. The prosecutrix in this case is not a minor and she had been a consenting party. The applicant and the prosecutrix

both have married and further the complainant and the prosecutrix do not have any objection in grant of bail to the applicant. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was below 18 years on the date of incident, therefore, no case is made out for grant of bail.
4. Complainant Lata Sahu, the mother of the prosecutrix and the prosecutrix herself are present before this Court. Mr. S.P. Sahu, Advocate appearing for the complainant and prosecutrix has made submission that they have no objection in grant of bail to the applicant and further it is also stated by them that the applicant and the prosecutrix both have married.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix and thereafter he exploited her sexually.
7. Considered on the submissions made and the contents of the case diary. Considering that the case is now pending for trial and that the complainant and the prosecutrix both have no objection in grant of bail to the applicant, 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