

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5439 of 2019

- Dipsingh Pawar S/o Baryam Singh Pawar, Aged About 19 Years, R/o Soniya Nagar, P.S. City Kotwali, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Thorough P.S. City Kotwali, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Kapil Maini, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-10-2019

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 10-06-2019 in connection with Crime No.428/2019 registered at P.S. - City Kotwali, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC & Section 6 of Prevention of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 10-06-2019. The prosecutrix has given statement under Section 164 of the Cr.P.C. that she had willingly accompanied the applicant and resided with him before she was recovered by the police. Charge sheet has been filed. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age about 16 years and 8 months on the date of incident, therefore, any consent given by her is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that this applicant abducted the minor prosecutrix of 16 years and 8 months and then he has exploited her sexually.
6. Considering that charge sheet has been filed and the case is pending for trial and also that the prosecutrix has stated in her statement under Section 164 of the Cr.P.C. that she had willingly accompanied the applicant, although the applicant will have to contest the case for charges against him for offence of rape, however, for the present 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge