

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.217 of 2020

- Aagesh Kumar Rajwade S/o Dilrakhan Rajwade Aged About 21 Years R/o Shubhash Nagar Jhopdi Dafai Charcha P.S. Charcha District Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Charcha District Korea Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Vijay Sahu, Advocate.
For Complainant	: Mr. K.K. Dewangan, Advocate.
For Non-applicant/State	: Mr. Ayaj Naved, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2020

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 12.10.2019 in connection with Crime No.160/2019, registered at Police Station-Charcha, District- Korea, C.G. for offence punishable under Sections 363, 366 & 376(2)(a) of I.P.C. and Section 6 and 5(a) of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 12.10.2019 and has been falsely implicated in this case. The F.I.R. is delayed and false. The complainant in this case has no objection in grant of bail to the applicant. The applicant is in jail since 12.10.2019. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that the age of prosecutrix was below 16 years

on the date of incident and she has made categorical statement against the applicant, therefore, no case is made out for grant of bail to the applicant.

4. The notice was served upon the complainant on fixed date of 29.06.2020 but there had been no appearance. However, now Shri K.K. Dewangan, Advocate is appearing on behalf of the complainant and he has submitted that the complainant has no objection in grant of bail to the applicant and his statement of no objection is supported with the affidavit given by the complainant himself which is filed in the record.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and took her to Brajraj Nagar, Orrisa and then to Pune, Maharashtra where he resided with her for a considerable time, during which the applicant exploited the minor prosecutrix sexually which amounts to commission of offence of rape.
7. Considered on the submissions, the facts of the case and also the statement of no objection made by the complainant side, 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge