

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 443 of 2020

- Akhil Kumar Maresa S/o Jamuna Prasad Satnami Aged About 18 Years R/o Sewar, Police Station Chakarbhatha, District-Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gurur, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sushobhit Singh, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/06/2020

1. The complainant-Khumeshwari Sahu is present in person before this virtual Court through "Help Desk" of High Court of Chhattisgarh.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.272/2019 registered at Police -Station-Gurur, District-Balod(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4, 5(३)6, 10 & 12 of POCSO Act, 2012.
3. 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 28.10.2019. No case is made out against the applicant. The

mother of the prosecutrix herself had appeared before the Sessions Court and filed application making a statement of no objection which was not considered. She is ready to make such statement again before this Court. Hence, it is prayed that he may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix is only 14 years and 8 months and she has made a statement regarding the physical relation with the applicant, which amounts to commission of offence of rape, therefore, application be rejected.
5. The complainant makes a statement before this Court that she has no objection in granting bail to the applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, the applicant and the prosecutrix got acquainted with each other, thereafter the applicant proposed to marry her and by abduction he took to his place of residence where he exploited her sexually. Subsequently, after lodging of FIR by the complainant, the prosecutrix was recovered from the custody of this applicant
8. After considering on the entire material against this applicant and also the statement given by the prosecutrix under Section 161 and 164 CrPC, I feel inclined to allow the bail application of this applicant.
9. 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 his

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

Nisha