

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1880 of 2020

- Dilip Sidar S/o Thanda Ram Sidar Aged About 34 Years R/o Village Jharapdih, Police Station Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Raigarh, District Raigarh, Chhattisgarh, Through The Station House Officer Police Station Sarangarh, District Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Manoj Kumar Agrawal, Advocate.

For Non-applicant/State : Mr. Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-06-2020

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 04.07.2019 in connection with Crime No.289/2019, registered at Police Station- Sarangarh, District- Raigarh, C.G. for offence punishable under Section 363, 366, 372 (2- क) of I.P.C. and Sections 4 and 6 of the POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 04.07.2019 and has been falsely implicated in this case. The prosecutrix is not a minor in this case and further, she has made a statement under Section 164 of Cr.P.C. before the Magistrate that she had been a consenting party in the event that has taken place. Therefore, no case is made out against the applicant. Hence, it is

prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the date of birth of prosecutrix is 22.02.2002, according to the school marksheet seized in the investigation. Therefore, she was clearly a minor on the date of incident and the no case is made out for grant of bail to the applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the minor prosecutrix of age below 18 years was abducted and then exploited sexually by this applicant for sometime, regarding which this F.I.R. has been lodged.
6. Considering that there is only evidence of the school marksheet on which the prosecution has relied and the examining doctor has opined that the age of the prosecutrix is nearly between 16 to 18 years, therefore, looking to the dispute 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