

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1852 of 2020

- Jagat Nadeshwar S/o Vishnu Prasad Nadeshwar, Aged About 30 Years
R/o Village - Joratarai (Bandhabazar), Tahsil/Thana - Ambagarh Chauki,
District - Rajnandgaon Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through Police Station - Ambagarh Chauki,
District - Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate.

For Non-applicant/State : Mr. Vivek Ranjan Tiwari, Addl. 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 22.02.2020 in connection with Crime No.169/2017, registered at Police Station- Ambagarh Chauki, District- Rajnandgaon, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 4 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 22.02.2020 and has been falsely implicated in this case. The prosecutrix was a willing and consenting party and she is not a minor. The prosecutrix has given an affidavit before the Sessions Court in support of the bail application filed, stating that she wants to reside with the applicant and she is major of age about 19 years, which is found mentioned in the rejection order, therefore, it is prayed that his

application may be allowed.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the statement given by the prosecutrix to the police under Section 161 and 164 of Cr.P.C. is clearly against this applicant, therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, this applicant abducted the minor prosecutrix of age about 16 years and then he exploited her sexually on pretext that he will marry her and subsequently, he refused to marry her. The bail rejection order of the Sessions Court mentions about the filing of affidavit by the prosecutrix and her mother, in which she has mentioned her age to be about 19 years and that she had willingly accompanied and reside with the applicant and further that she wants to lead a life in companionship with the applicant.
6. After considering the facts and circumstances of this case and about the fact that the prosecutrix has herself made a statement of oath before the Court below in support of this applicant, 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