

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2111 of 2020

- Sohan Lal Usare S/o Shital Ram Usare Aged About 20 Years, R/o Village Hathighorra, Police Station Daundi, District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg Chhattisgarh And Also Through Police Station Newai District Durg Chhattisgarh

---- Non-applicant

For Applicant : Ms. Laxmeen Kashyap, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-06-2020

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 25.10.2018 in connection with Crime No237/2018, registered at Police Station- Nevai, District- Durg, C.G. for offence punishable under Sections 363, 366, 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 25.10.2018 and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix in this case had been a consenting party and she was not a minor on the date of incident. The prosecution's ground of minority of prosecutrix shall be challenged in the trial by 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 04.04.2002, therefore, she was clearly a minor on the date of incident which has taken place on 25.10.2018. Hence, the applicant 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, it is alleged that this applicant has abducted and sexually exploited the minor prosecutrix.
6. After considering on the statement given by the prosecutrix under Section 164 of Cr.P.C. and also the other evidence regarding the proof of age of the prosecutrix, which the applicant intends to challenge in trial, I am of this view that it is a fit case for grant of bail to the applicant.
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