

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2287 of 2020

- Chitra Kurre, S/o Chandra Prakash Kurre, Aged About 19 Years, R/o Imlipara, Chowki Junapara, Police Station- Takhatpur, Tahsil-Kota, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Amleshwar, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Bharat Rajput, Advocate.
For State/respondent	: Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/06/2020

1. 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.33/2020 registered at Police -Station-Amleshwar, District-Durg(C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of POCSO Act.
2. 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 19.2.2020. No case is made out against the applicant. The prosecutrix is a consenting party according to her statement given under Section 164 CrPC. The applicant intends to challenge the proof

of prosecution on the ground of minority of the prosecutrix, hence, it is prayed that he may be enlarged on regular bail.

3. 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 prosecutrix was below 18 years on the date of incident, therefore, the consent given is immaterial, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix went missing regarding which a missing report has lodged by her mother on 15.2.2020. The prosecutrix was then recovered from the possession of applicant and she has given statement that she was allured by the applicant with promise to marry her, who then abducted her and take to her Raipur where she was exploited sexually.
6. After considering the facts and circumstances of this case and also that the case is pending for trial and there is no likelihood of initiation of trial because of present pandemic situation, for this reason, I feel inclined to allow the bail application of this applicant.
7. 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 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