

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2325 of 2020

Ritik Anchal, S/o. Satya Narayan Anchal, Aged About 19 Years, R/o. Village - Godhi, Police Station - Kotwali, Korba, Tahsil and District - Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Out Post - Rampur, Police Station - Kotwali, Korba, District - Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.105/2020, registered at Police Station – Kotwali, Korba, Out Post-Rampur, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 26.02.2020. The

prosecutrix in this case is not a minor and further according to the statement given by her to the police under Section 161 of Cr.P.C. and to the Magistrate under Section 164 of Cr.P.C., it is clear that she was a consenting party and she had willingly accompanied and resided with the applicant. At present the prosecutrix has been accepted by the parents of the applicant, therefore, she is residing with them. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application. It is submitted that on the date of incident, the age of the prosecutrix was only 16 years and one month, therefore, any consent and willingness on her part is immaterial, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age 16 years and then he had exploited her sexually.
6. Considered on the statement given by the prosecutrix under Section 161 of Cr.P.C. and Section 164 of Cr.P.C.. As regards the proof of age of the prosecutrix, it is submitted by the applicant's counsel that the applicant intends to challenge the same in trial, therefore, under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram