

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2638 of 2020

- Vicky Sardar S/o Subhash Sardar Aged About 21 Years R/o Bambeshwarnagar, Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rahul Mishra, Advocate.

For Non-applicant/State : Ms. Fauzia Mirza, Addl. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-06-2020

1. Heard on default.
2. The default pointed out by the Registry is waived.
3. 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 25.12.2019 in connection with Crime No.204/2019, registered at Police Station-Ramanujganj, District- Balrampur, Ramanujganj, C.G. for offence punishable under Sections 363, 366, 376(2)(a) of I.P.C. and Sections 5 and 6 of POCSO Act.
4. It is submitted by learned counsel for the applicant that the applicant is in jail since 25.12.2019 and has been falsely implicated in this case. The applicant and the prosecutrix both had an affair, they have performed marriage and also they were living together, when the prosecutrix was

recovered from the possession of the applicant, the prosecutrix has herself given a statement to the police regarding her consent and also regarding the marriage. Therefore, no case is made out against this applicant. Hence, it is prayed that he may be granted bail.

5. Learned counsel for the State/non-applicant formally opposes the application and submits that according to the proof of age collected in the investigation, prosecutrix was a minor on the date of incident, therefore, there is no case for grant of bail.
6. Heard learned counsel for the parties and perused the case diary.
7. As per the prosecution case, this applicant has abducted the minor prosecutrix and then after performing the sham marriage with her has exploited her sexually. Hence, this case.
8. After considering on the statement given by the prosecutrix in the case diary and also on considering the proof regarding the age that is present to be brought against the applicant in his trial, I am of this view that it is a fit case for grant of bail to the applicant.
9. 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge