

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2811 of 2020**

- Bholanath Bag S/o Banmali Bag Aged About 20 Years R/o Sinapali, Harijanpada, P.S. Sinapali, District- Nuvapada (Udisha)

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Telibandha Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Badruddin Khan, Advocate.
For State/respondent	: Mr. Sudeep Verma, Dy. Govt. Advocate.

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.47/2019 registered at Police -Station-Telibhandha, District-Raipur(C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 3 & 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. No case is made out against the applicant. The prosecutrix is not a minor and she is willing to marry with this applicant. The representation has been made to the Superintendent of Police by the father of prosecutrix and affidavit was also filed before the Sessions Court along with the application for grant

of bail which was not considered, therefore, looking to this development, 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 according to the evidence collected the prosecutrix was the minor on the date of incident, therefore, the applicant has no entitlement 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, the applicant abducted the minor prosecutrix on pretext that he will marry her and then by keeping her in his custody in Mahasamund he has exploited her sexually on number of occasions. The filing of representation to the Superintendent of Police and the affidavit given by the parents of the prosecutrix is mentioned in the bail rejection order of the Sessions Court this appears to be a development which cannot be ignored, I feel inclined to allow the bail application of this applicant.
6. 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