

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3290 of 2020**

- Shwet Kumar Sahu S/o Sanatan Sahu Aged About 20 Years R/o Kabir Chowk, Behind Jagdev Pathshala, Kaharapara, Raigarh Chowki Jutmil, Tahsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station-City Kotwali, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Prabhat Kumar Saxena, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/06/2020**

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.226/2020 registered at Police -Station-City Kotwali, District-Raigarh(C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 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 7.3.2020. No case is made out against the applicant. The prosecutrix had been a consenting party and there had been love affair between applicant and the prosecutrix because of which they have

also performed marriage and cohabited from sometime. A false FIR has been lodged by the prosecutrix only for the reason that there had been some dispute and the case is pending for trial, therefore, 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 school register the age of prosecutrix was 16 years and 10 months only. Hence, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, applicant allured the prosecutrix with promise to marry her and also performed the marriage, thereafter he took her to another place where he exploited her sexually for quite some time. Subsequent to that the applicant has deserted her, hence, the FIR has been lodged.
6. After considering the statement given by the prosecutrix under Section 164 of CrPC and also proof regarding the age of prosecutrix, 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