

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3069 of 2020

- Kanhu Sidar S/o Prahlad Sidar Aged About 24 Years R/o Village Shivpuri, Tahsil and District Raigarh Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Punji Pathra, Raigarh, District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate.

For State/respondent : Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/06/2020

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.21/2020 registered at Police -Station- Punji Pathra, Raigarh, District-Raigarh(C.G.) for the offence punishable under Section 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 26.2.2020. No case is made out against the applicant. The prosecutrix is of age above 18 years and she had been a consenting party. Although school entry register shows that the prosecutrix is

minor but the report of radiologist mentions, that her age is of above 18 years, 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 on the date of the incident the prosecutrix was of age below 18 years and according to her statement, 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, the applicant on pretext that he will marry the minor prosecutrix has exploited her sexually for about 3 months and thereafter he refused to marry her, thereafter the FIR has been lodged.
6. After considering the facts and circumstances of this case and also that the age of prosecutrix has been disputed by the applicant showing the material present in the case diary, 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