

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3241 of 2020

- Peela @ Prince Dewgan Dhruv S/o Mahesh Dhruv Aged About 21 Years R/o Matkodawa Para, Ayodhya Nagar, Changorabhata, Police Station - D. D. Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - D.D. Nagar, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/06/2020

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.15/2019 registered at Police -Station-D.D. Nagar, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 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. The applicant is in jail since 14.05.2020. No case is made out against the applicant. The prosecutrix was not minor on the date of incident and, further, she had been a consenting party. Prosecutrix has also made statement to the

police, that she and applicant both have married. The prosecutrix and her parents had given affidavit before the Sessions Court making a statement of no objection in grant of bail to the applicant, which was not considered, 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 the prosecutrix was clearly minor on the date of incident and because of the exploitation, she become pregnant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As alleged, that this applicant abducted the minor prosecutrix and thereafter by keeping her in his custody and on pretext that he will marry her, he has established physical relation with her on number of occasions. It is also alleged, that the applicant performed a sham marriage with prosecutrix to get her submissions for sexual relationship.
6. After considering on the entire material that is present in this case and also that the rejection order mentions the filing of affidavit by the prosecutrix and her parents making a statement of no objection in grant of bail to the applicant, 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

Nisha