

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3309 of 2020

- Suraj Lal Upadhyay, S/o Makhanlal Upadhyay, Aged About 29 Years R/o Village - Semari, Tehsil And Police Station - Ratanpur, District - Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Ratanpur, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pawan Shrivastava, Advocate.
For State/respondent	: Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/06/2020

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.146/2019 registered at Police -Station-Ratanpur, District-Bilaspur(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. No case is made out against the applicant. The prosecutrix was major on the date of incident and that she has been a consenting party. The applicant and the prosecutrix both are married and they are having a child, therefore,

there is practically no case is made out against the applicant. The prosecutrix is also present before this Court, who wishes to make an statement of no objection, 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 incident the prosecutrix was a minor, therefore, no case is made out for grant of bail.
4. Prosecutrix is present before this Court who has been identified by the counsel for applicant. She has also produced the attested copy of her Adhar Card. She has made an statement that the applicant is her husband and she is residing in her matrimonial home, therefore, she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Applicant is being prosecuted for abducting a minor prosecutrix and exploiting her sexually.
7. Considering the development that has taken place that is the prosecutrix herself is present in the Court and making statement for no objection for grant of bail and also making an statement that she is major and married to the applicant, therefore, I feel inclined to allow the bail application of this applicant.
8. 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