

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3322 of 2020

- Rakesh Meshram S/o Late Bhemrao Meshram Aged About 24 Years R/o Ward No. 1 Nawagaon Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Outpost- Chikhali, Police Station-Kotwali, District- Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Aditya Bhardwaj, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23.02.2020 in connection with Crime No.107/2020, registered at Police Station- Outpost- Chikhali, Police Station-Kotwali, District- Rajnandgaon, C.G. for offence punishable under Sections 376, 323, 506 and 384 of I.P.C. and Sections 4 & 6 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 23.02.2020 and that he is innocent and has been falsely implicated in this case. The prosecutrix is not a minor and she had a love affair with the applicant, therefore, she was a consenting party. The prosecutrix has given appearance before the Sessions Court in the

matter of second application filed for grant of bail and made a statement that she has no objection in grant of bail to the applicant and also that the applicant has not committed any offence with her, which has not been considered. Therefore, it is prayed that his application may be allowed and the applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the prosecutrix had been of age about 16 years and 01 month when she was sexually exploited by the applicant and then the applicant has also extorted money from her. Therefore, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, about 02 years prior to the date of lodging of F.I.R. on date 22.02.2020, the applicant met with the minor prosecutrix and then he continuously exploited her sexually because of which she became pregnant. It is also alleged that the applicant has administered some medicine to the prosecutrix to abort the pregnancy and thereafter, by putting the prosecutrix under threat, he has extorted Rs.30,000/- from her regarding which F.I.R. has been lodged.
6. Considered on the submissions made, certified copy of the affidavit given by the prosecutrix before the Sessions Court is filed and the copy vide order dated 20.05.2020 of the Sessions Court has also been filed in which, it is mentioned that the prosecutrix has given appearance and made statement that she has no objection in grant of bail to him. Therefore, after considering statement of the prosecutrix which was made before the Sessions Court, I am of this view that it would be proper to release the applicant on bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika