

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3336 of 2020

- Jairam Khadiya S/o Late Shri Shankaru Khadiya, Aged About 22 Years, R/o Village-Daraama, P.S.-Punjipathra, Tahsil Tamnar and District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through S.H.O. of The Police-Station Punjipathra, Tahsil Tamnar and District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abhishek Saraf, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.
For Objector	: Mr. Ishwar Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/08/2020

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.85/2018 registered at Police -Station-Punjipathra, Tahsil-Tamnar, District-Raigarh(C.G.) for the offence punishable under Section 363, 366-A, 376 of IPC and Section 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 27.4.2020. No case is made out against the applicant. The prosecutrix and the applicant both had love affair, which continued for sometime. Because of some misunderstanding, the FIR has been

lodged. At present, compromise has taken place. The applicant will marry the prosecutrix as soon as she comes up of the age regarding which an affidavit has also been filed by mother of prosecutrix Sukhmati Dhanwar, who is complainant in this case, 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 age of prosecutrix was only 16 years and 2 months. Further, she has made categorical statement against the applicant under Section 164 CrPC, making all the allegations regarding the commission of offence with her, hence, application be rejected.
4. Mr. Ishwar Jaiswal, Advocate appearing for the complainant/informant submits, that the complainant has no objection in granting bail to the applicant and the complainant herself has filed affidavit in support of the same.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then he has exploited her sexually on number of occasions on pretext of marriage and ultimately he refused to marry her because of which the FIR has been lodged.
7. Considered on the submissions and also the facts of the case. Looking to the development that has taken place subsequently regarding which the complainant side has made submissions, 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