

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3368 of 2020

- Shani Vishwakarma S/o Lt. Gopal Vishwakarma Aged About 18 Years 6 Months, R/o At R.P.F. Colony Q.No. 01/d Behind Electricity Office P.S. Torwa Bilaspur District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Torwa District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/06/2020

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.89/2020 registered at Police -Station-Torwa, District-Bilaspur(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 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. No case is made out against the applicant. The prosecutrix is not a minor and she had been a consenting party. There had been an affair between the applicant and the prosecutrix. The false FIR has been lodged by the father of the

prosecutrix, 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.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the age of prosecutrix is above 17 years, who was abducted by this applicant and then he has kept her in his custody and exploited her sexually knowingly that she is a minor.
6. After considering all the facts and circumstances of the case and also the submissions made on behalf of 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