

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3432 of 2020**

- Lokeshwar Tandan S/o Madan Tandan Aged About 24 Years R/o Chhipli, P.S. Nagari, District-Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Nagari, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For State/respondent	: Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2020

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.22/2020 registered at Police -Station-Nagari District-Dhamtari(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. Totally false FIR has been lodged by the father of the prosecutrix against this applicant. At present the prosecutrix and her father both have no objection in grant

of bail to the applicant, 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 age of prosecutrix on the date of incident was 15 years and 6 months and that she has made statement regarding the physical relation with applicant which amount to commission of offence of rape, therefore, his application be rejected.
4. Complainant Itwari Ram Tandon and the prosecutrix both are present before this virtual Court through "Help Desk" of High Court of Chhattisgarh and they have made statement that they have 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. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix with promise to marry her and performed a sham marriage in a temple thereafter he established physical relation with the minor prosecutrix regarding which the FIR has been lodged.
7. Considered on the submissions and also the statement of no objection that has been made by the complainant as well as prosecutrix, 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 his 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