

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3780 of 2020

- Tulsi Ekka S/o Vijay Ekka Aged About 19 Years R/o Chiraikhar P.S. And Tahsil Lailunga District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, P.S. Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Kumar Jaiswal, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/06/2020

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.31/2020 registered at Police -Station-Lailunga, District-Raigarh(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. The applicant is in jail since 2.3.2020. No case is made out against the applicant. The prosecutrix is not a minor and she had willingly accompanied the

applicant and also submitted to physical relation, this is reflected from her statement given under Section 164 CrPC, hence, 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 prosecutrix was minor, therefore, any consent or willingness her part immaterial, therefore, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping the minor prosecutrix in his custody, he had exploited her sexually, which amounts to commission of offence of rape.
6. Considered on the material that is against this applicant in the case diary and also the submissions made by the counsel for the applicant. Further, looking to the statement under Section 164 CrPC by the prosecutrix, 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 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