

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3677 of 2020

- Ramesh Sahu S/o Shri Sukaloram Sahu, Aged About 23 Years, R/o Bhaibod, Police Chowki Birejhar, Police Station Kurud, District- Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kurud, District- Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Vivek Mishra, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-06-2020

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 21-05-2020 in connection with Crime No.238/2020 registered at Police Station – Kurud, District- Dhamtari, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 21-05-2020. No case is made out against him. The prosecutrix had been a consenting party and she was not minor on the date of incident. The proof of age on which the prosecution is relying is the entry in the school register which is not conclusive in nature and the applicant intends to challenge the same in trial. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that age of the prosecutrix had been merely 16 years 10 months on the date of incident, therefore, any consent given by her is immaterial.

Therefore, this application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, the applicant and the prosecutrix both had love affair. It is alleged that this applicant abducted the minor prosecutrix and then performed a sham marriage with her in a temple. Subsequent to which, he has established physical relation with the minor prosecutrix which amounts to commission of offence of rape.

6. After considering the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and the other submission that has been made by the counsel for the applicant, I am of this view that it would be appropriate to grant bail to the applicant.

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