

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3624 of 2020

- Devid Kumar Rajwade S/o Late Ramkumar Rajwade, Aged About 20 Years, R/o Village Bazarpara, Patna, PS Patna, Tahsil Baikunthpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Udaipur, District- Surguja, Chhattisgarh. (As Per Challan), District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-06-2020

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 21-03-2020 in connection with Crime No.46/2020 registered at Police Station - Udaipur, District Surguja, Chhattisgarh for the offence under Section 363, 366 (A) & 376, 34 of the IPC and Section 5, 6 of the POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. Charge sheet has been filed after completion of the investigation and the statement of the prosecutrix and mother both confirmed that the applicant and the prosecutrix had love relationship. The prosecutrix was not minor on the date of incident. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix was below 18 years on the date of

incident, therefore, any consent given by her for relationship is immaterial and not admissible in law. Therefore, the application may be rejected.

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

5. The prosecutrix who is minor of age about 17 years and five months was having love relationship with the applicant. It is alleged that the applicant on pretext that he will marry the prosecutrix in future had established physical relationship with her on number of occasions. On the date of incident the applicant had abducted the minor prosecutrix and was proceeding on a vehicle to Raigarh when he was stopped by the police patrolling party and the minor girl was recovered from his custody.

6. On perusal of the copy of the charge sheet that has been filed along with the petition and also on the submission that has been made on behalf of the applicant, I am of this view that it would be appropriate to grant bail to the applicant at this stage.

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