

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3726 of 2020

- Kishor Tandi S/o Vaishnav Tandi Aged About 20 Years Resident Of Village B.S.U.P. Colony, House No. 31, Amalidih, Police Station New Rajendra Nagar, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. C.R. Sahu, Advocate.

For Non-applicant/State : Mr. Dinesh Tiwari, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2020

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 01.05.2019 in connection with Crime No.103/2019, registered at Police Station- New Rajendra Nagar, District- Raipur, C.G. for offence punishable under Sections 363, 366 & 376 of I.P.C. and Section 4 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 01.05.2019 and has been falsely implicated in this case. No case is made out against this applicant. The applicant intends to challenge the ground of minority of the prosecutrix in the trial otherwise, it had been a case of love affair in which the prosecutrix had been a consenting party for having physical relation and also for residing with him. At present, the prosecutrix is residing in the house of the applicant herself. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that the age of the prosecutrix is only 15 years, therefore, any consent given by her is immaterial. Therefore, it is prayed that his application may be rejected.
4. The complainant and the victim of this case are present in person before this virtual Court through the Help Desk of the High Court of Chhattisgarh. The victim has stated that she has no objection in grant of bail to the applicant and also she is willing to reside with the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, the applicant and the victim/prosecutrix were having an affair for almost one year. When it was disclosed, the prosecutrix on her own left her parental house on 14.03.2019 and went to reside with the applicant until she was recovered. She has given statement that she and the applicant both had physical relation for sometime. Hence, this case.
7. Considered on the submissions and also the facts of the case and as the prosecutrix herself has stated that she has no objection, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge