

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3935 of 2020

- Devsharan Nagesh, S/o Birbal Nagesh, Aged About 24 Years R/o Village - Madagaon, Limpara, Post Office And Police Station - Devbhog, District - Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station - Devbhog, District – Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate.
For State/respondent	: Mr. Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/06/2020

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.04/2020 registered at Police -Station-Devbhog, District-Gariyaband(C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 04/06 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 26.02.2020. No case is made out against the applicant. The prosecutrix is not a minor and she had been a consenting party, which is reflected from her statement given under Section 164 CrPC to the

Judicial Magistrate First Class, 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 statement of prosecutrix under Section 161 CrPC, that she was abducted and subjected to sexual exploitation against her will, no case is made out for grant of regular bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, the prosecutrix is a minor, who was abducted by the applicant on pretext that he will marry her and then abducted her and took her to a different place where he exploited her sexually.
6. Considered on the submissions and also the statement given by the prosecutrix under Section 164 CrPC, 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 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