

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3961 of 2020

- Akshay Gayakwad S/o Santosh Gayakwad, Aged About 23 Years, R/o Village Tilda-Bandha, Police Station - Suhela, District Balodabazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through it's Police Station- Kharora, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rekhraj Baghel, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2020

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 13-04-2020 in connection with Crime No.78/2020 registered at Police Station - Kharora, Civil & Revenue District Raipur, Chhattisgarh for the offence under Section 366, 376(3), 354, 34 of the IPC and under Section 4 & 8 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant and the prosecutrix both had an affair, because of which false FIR has been lodged by her father. No case is made out against the applicant. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is minor, below 16 years of age and that she has made categorical statement in the investigation. Therefore, no case is made out for grant of bail.

4. Complainant Omprakash and the victim/prosecutrix both are present

before this virtual Court through Help Desk of this High Court. They have stated that they have no objection in grant of bail to the applicant.

5. Heard the submissions and perused the documents.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by taking her to a lonely place he has committed offence of rape with her.

7. Considered on the submissions and also the facts present in the case. As it appears that the complainant and the prosecutrix both have no objection for grant of bail to the applicant, therefore, 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