

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4156 of 2020

- Devid Sidar S/o Bihari Lal Sidar Aged About 27 Years Occupation Labour, R/o Teka, Police Station Kotararoad, Tahsil And District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Kotararoad, District Raigarh, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2020

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 05.06.2020 in connection with Crime No.282/2020, registered at Police Station- Kotararoad, District- Raigarh, C.G. for offence punishable under Sections 363, 366 & 376 of I.P.C. and Sections 4 & 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 05.06.2020 and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix is a not minor, in fact, she had been a consenting party. She willingly accompanied the applicant to all places where he went and stayed with him and willingly submitted to physical relation. 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 below 16, therefore, any consent given by her is immaterial, apart from that, she has made a statement that she was taken away by the applicant. Therefore, it is prayed that his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 23.09.2019 and then by keeping her in custody, he exploited her sexually continuously for about 5 to 6 months. The prosecutrix was recovered on 05.06.2020 from the custody of this applicant.
6. After considering on the facts and circumstances of this case and also on the submissions made by the learned counsel for the applicant, I feel inclined to allow this application.
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 local 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