

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4158 of 2020

- Rajendra Sahu @ Lalu S/o Rameshwar Sahu, Aged About 23 Years
R/o Bajrang Chowk, Ratakhar, Tahsil And District - Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station -
Kotwali, District - Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Srivastava, Advocate.
For State/respondent	: Mr. Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/07/2020

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.770/2019 registered at Police -Station-Kotwali, District-Korba(C.G.) for the offence punishable under Sections 363, 366A, 376 of IPC and Section 6 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 13.2.2020. No case is made out against the applicant. The prosecutrix is not a minor. She has given statement under Section 164 CrPC, which clearly mentions that she willingly accompanied the applicant and stayed willingly with him in Jammu & Kashmir where she

willingly had physical relation with the applicant, 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 age of prosecutrix was 17 years and 2 months, therefore, she was a minor, hence, any consent given by her is immaterial.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the applicant abducted the minor prosecutrix in the month of November, 2019 and took her to Jammu where the minor prosecutrix was kept under his custody and exploited sexually.
6. Considering the statement and also the statement that has been given by the prosecutrix in this case, 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 his 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