

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4259 of 2020

- Ankit Pansari S/o Kanhaiyalal Pansari, Aged About 21 Years, R/o Baniyapara Ward Dhamtari, Police Station Dhamtari, Tahsil And District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali Dhamtari, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Rahim Ubwani, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-08-2020

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 13-06-2020 in connection with Crime No.272/2020 registered at Police Station - City Kotwali Dhamtari, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. False FIR has been lodged against the applicant, in fact the prosecutrix had affair with one Amitabh Satnami, she was recovered from his house by the police. The applicant is in jail since 13-06-2020. If the prosecution case is taken as it is, even then according to the statement given by the prosecutrix, it is a case of consent and love affair. The applicant intends to challenge the ground of minority of the prosecutrix in the trial. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that clearly the prosecutrix was minor on the date of incident and

she has made clear statement against the applicant that he was the person who abducted and ravished her. Therefore, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, it is alleged that this applicant with false promise to marry her and also by putting her under threat abducted the minor prosecutrix and then he established physical relation with her about five to six times. Subsequent to which, the FIR has been lodged.

6. Considered on the submissions and also the statement of the prosecutrix given under Section 164 of the Cr.P.C. and after due consideration, I am of this view that the applicant should be granted bail during pendency of the trial against him.

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 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