

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4244 of 2020

- Dhankeshwar @ Dhaneshwar S/o Late Bhuneshwar Yadav Aged About 24 Years Occupation-Labour, R/o Village And Post- Khusrupali, Police Station- Khallari, Tahsil- Bagbahra, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Khallari, District- Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sukhnath Sai Painkra, Advocate.

For Non-applicant/State : Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2020

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 05.02.2020 in connection with Crime No.26/2020, registered at Police Station- Khallari, District- Mahasamund, 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 05.02.2020 and has been falsely implicated in this case. No case is made out against this applicant. The statement of the prosecutrix itself demonstrates that she had been willing and consenting party. The medical report also does not support the prosecution case. Hence, it is prayed that his application may be allowed.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that the prosecutrix was a minor on the date of

incident, therefore, any willingness or consent on her part is immaterial.

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 had abducted the minor prosecutrix and then by keeping her in his custody, he exploited her sexually, then, she was recovered by the police.
6. After considering on the statement given by the prosecutrix in the investigation and also on the submissions that have been 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 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