

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5078 of 2020

- Khelawan Dheemar, S/o Choplal Dheemar, Aged About 20 Years, R/o Lawan Ward No.12, P. S. Kasdol, Baloda Bazar, District Baloda Bazar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kasdol, O. P. Lawan, District Baloda Bazar, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Yogesh Chandra, Advocate
Ms. Fouzia Mirza, Addl. AG

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

17/09/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.374/2020, registered at Police Chowki Lawan, Police Station Kasdol, District Baloda Bazar (C.G.) for the offence punishable under Sections 376, 363 & 366 of IPC and Section 4 of the POCSO Act.
2. Although allegation of commission of rape has been levelled against the present applicant, however, the prosecutrix, aged about 16 years and 11 months, has not made such allegation in her statement under Section 164 of CrPC. Here, she also states that she is in love affair with the applicant.

3. Learned State counsel would oppose the prayer for grant of bail.
4. Considering the material available in the case diary including 164 CrPC statement of the prosecutrix, this Court is inclined to release the applicant on bail.
5. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge

Nirala