

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4598 of 2020**

- Aganu Ram Koram S/o Chaitram Korram, Aged About 26 Years, R/o Village- Chingnar Jamkot Para, PS- Benoor, District- Narayanpur, C.G., District : Narayanpur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station- Benoor, District- Narayanpur, C.G., District : Narayanpur, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Shobhit Koshta, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**07-08-2020**

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 03-05-2020 in connection with Crime No.21/2020 registered at Police Station - Benoor, District- Narayanpur, Chhattisgarh for the offence under Section 363, 366A, 376 of the IPC, Section 4, 6 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Although reliance of the prosecution is on the entry in the school register which shows her date of birth 01-07-2003, however, the Adhar Card which is also part of the charge sheet mentions her date of birth as 24-06-2000. The prosecutrix has very clearly given statement under Section 164 of the Cr.P.C. to the JMFC which shows her willingness and consent in the incident that has taken place. Therefore, no case is made out against the applicant. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

submitting that the prosecutrix had in her earlier statement under Section 161 of the Cr.P.C. clearly made allegation against the applicant regarding commission of offences against her. Therefore, the applicant is not entitled for grant of bail.

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

5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then he has exploited her sexually which amounts to commission of offence of rape, which has resulted in pregnancy of the prosecutrix.

6. Considered on the submissions and also perused copy of the statement of the prosecutrix given under Section 164 of the Cr.P.C. and after due consideration I am of this view that it is a fit case for grant of bail to the applicant.

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**