

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5110 of 2020

- Hiralal Gendre, S/o Shri Maniram Gendre, Aged About 23 Years, R/o Village-Laria, Police Station - Palari, Th.- Pilari, District-Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Pandari, District- Raipur, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Ms. Smita Jha, Advocate
Shri Vikram Sharma, Dy. GA

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

29/09/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.409/2019, registered at Police Station Pandri, District Raipur (C.G.) for the offence punishable under Sections 363, 366 (A) & 376 (2) (n) of the IPC and Sections 4 & 6 of the POCSO Act.
2. The applicant and the prosecutrix were connected through mobile and WhatsApp. Since after August, 2019, the accused committed sexual intercourse on number of occasions while the prosecutrix was working at a fancy stores at Mova, Raipur. When her mother

scolded her for continuously talking on mobile, she left her house and went to Kondagaon in the house of her friend Payal Yadav. On 25.02.2020, the applicant called her to Raipur and then both of them went to Gujrat and started residing together. They returned to their native village on 23.05.2020 and performed marriage at Arya Samaj temple on 11.06.2020.

3. Learned State counsel would oppose the prayer for grant of bail.
4. Considering the fact that as on date the prosecutrix is more than 18 years of age and there was no FIR by the prosecutrix, but the entire action has been initiated on the FIR lodged by her father on 10.11.2019, 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