

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6500 of 2020

- Surendra Kumar S/o Shri Ram Bharos, Aged About 20 Years Caste -Cherwa, R/o Village - Dharsedi Aamadand, Police Station - Odgi, And District - Surajpur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through - The Station House Officer, Police Station Odgi, District Surajpur (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Gyan Prakash Shukla, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 21.04.2020 in connection with Crime No.20/2020, registered at Police Station- Odgi, District- Surajpur, C.G. for offence punishable under Sections 363, 366, 376(2)(N) of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor and the applicant intends to challenge the ground of minority of prosecutrix in the trial. The statement of the prosecutrix itself in the investigation shows that she was a willing and consenting party, therefore, no case is made out against this applicant. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was clearly a minor, therefore, any consent or willingness on her part is immaterial. Hence, it is prayed that

his application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the father of the prosecutrix lodged F.I.R. and missing report against the applicant stating that his minor daughter has gone missing. When the prosecutrix was recovered, she has given statement mentioning that she had willingly accompanied the applicant and had submitted for physical relation. Hence, this case.
6. After considering on the submissions and also the statement that has been given by the prosecutrix, I am of this opinion that the applicant deserves to be granted bail.
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, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge