

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7206 of 2020

- Pramod Saxena, S/o Shri Nandkishor, Sxena Aged About 18 Years, R/o Indira Coloney, Mandir Hasoud Police Station - Mandir Hasoud, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Mandir Hasoud, District - Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahim Ubwani, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/11/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.271/2020 registered at Police-Station-Mandir Hasoud, Raipur, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 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. Infact there had been an affair of the applicant with the prosecutrix. The prosecutrix was not minor, therefore, the relation between them was consensual. The prosecutrix and her father, who is complainant both had filed a written application making no objection in grant of bail to the applicant,

which was supported with affidavit before the Sessions Court, but the Sessions Court has not given any consideration to that. The applicant is in jail since 5.8.2020, hence, the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was minor and she has given clear statement under Section 161 & 164 CrPC, that she was forcefully ravished by the applicant on some occasions, therefore, no case is made out for grant of bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. FIR has been lodged with respect to the incident of 3.8.2020, in which, it is stated, that the applicant abducted the minor prosecutrix and took her to his own house where he forcefully raped her. In her statement, the prosecutrix has revealed, that the applicant had raped her on some previous dates also. Hence, this case.
6. Considered on the submissions and facts present in the case. There is mention in rejection order regarding the no objection made by the complainant and the prosecutrix herself before the Court, which was supported with an affidavit and they were represented by a counsel, hence, on the basis of other circumstances present, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha