

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7151 of 2020**

- Munesh Kumar, Son Of Radhika Prasad, Aged About 23 Years, Resident Of Village - Maja, Police Station- Ramanuj Nagar, District-Surajpur (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Ramanujnagar, District- Surajpur (Chhattisgarh).

---- Respondent

For Applicant	: Ms. Soniya Kuldeep, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/11/2020**

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.38/2020 registered at Police-Station-Ramanujnagar, District-Surajpur(C.G.) for the offence punishable under Sections 363, 366, 376(2- a) of IPC and Section 4 & 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 was not minor at the time of incident. Further, according to the statement given by herself in the investigation, she has resided with the applicant about four months without raising any objection and without making any attempt to leave him, which shows that the relationship had been

consensual, therefore, no case is made out against this applicant, 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 on the date and time of incident, the age of prosecutrix had been only 15 years and 11 months and, further, she has stated under Section 161 and 164 CrPC making allegations against the applicant, therefore, the applicant is not entitled for grant of bail.
4. The prosecutrix is virtually present before this Court through the "Help Desk" of DLSA, Surajpur and she has made a statement that she has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant had acquaintance with the prosecutrix which continued for some time then the applicant threatened and emotionally blackmailed the prosecutrix because of which she submitted for physical relation. On 27.2.2020, on the asking of this applicant the prosecutrix came and then both of them resided at Bilaspur for about 3 to 4 months. The prosecutrix has alleged that during this period the applicant has exploited her sexually. Hence, this case.
7. Considered on the submissions and the facts present in the case, I am of this view that this is a fit case for grant of bail to the applicant.
8. 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