

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7550 of 2020

- Dileshwar @ Sonu Lahre S/o Rajesh Lahre, Aged About 22 Years, R/o Ward No.12, P.S. and Tahsil Akaltara, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, P.S. Akaltara, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ravindra Sharma, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2020

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 13-04-2020 in connection with Crime No.311/2019 registered at Police Station – Akaltara, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Her statement under Section 164 reflects that she had willingly accompanied, resided and had physical relation with the applicant, therefore, no case is made out against the applicant. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was clearly minor on the date of incident, therefore, her physical relation with the applicant amounts to commission of offence of rape. Hence, the application maybe rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant on pretext of marrying her, abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually by having physical relation with her which amounts to commission of offence of rape.

6. Considered on the submissions and facts of the case and after looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to allow this application.

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