

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7797 of 2020

- Sunil S/o Gudduram, Aged About 23 Years, R/o Village Kalyanpur, Chouki - Latori, P.S. Jainagar, Tahsil and District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Chowki - Latori, P.S. Jainagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Tripathi, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-12-2020

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 30-09-2020 in connection with Crime No.07/2020 registered at Police Station – Chowki-Latori, P.S. Jainagar, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376(2-ढ) of the IPC and Section 4, 6 of POCSO Act 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix had willingly accompanied the applicant to reside with him, after it was discovered by her parents that she and the applicant are having affair the FIR was lodged. The applicant has married the prosecutrix on 13-03-2020 and the prosecutrix was major on that date according to her date of birth, i.e., 01-03-2002. Therefore, no offence has been committed in this case. The applicant is in jail since 30-09-2020. 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 minor on the date of incident, therefore, any consent or willingness on her part is of no consequence. Hence, the

application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the prosecution case, the minor prosecutrix was abducted by this applicant on 29-12-2019. After lodging of the missing report she was recovered from custody of this applicant on 30-09-2020 and on the basis of the statement given by her the offences have been registered.

6. Considered on the submissions and facts of the case. After considering the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., I am of this view that the applicant should 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge