

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7896 of 2020

- Khemraj Sahare S/o Shri Vijay Sahare Aged About 22 Years Caste-Mahar, R/o Village Pusawand, Sewapara, Thana And Tahsil Kanker, Civil And Revenue District North Baster Kanker, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station Kanker, District North Baster Kanker, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sunil Sahu, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 26.08.2020, in connection with Crime No.236/2020, registered at Police Station- Kanker, District- North-Baster-Kanker, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The prosecutrix is not minor, the relationship of the applicant with the prosecutrix was based on consent, therefore, the prosecutrix stayed with the applicant for about four days without complaining to any person. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix has made clear statement under Section 161 and 164 of Cr.P.C. that the applicant had physical relation with her without her consent. Therefore, no case is made out for grant of bail to

the applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on 20.08.2020, the applicant enticed the minor prosecutrix with promise to marry her and took her to a place, whereby keeping her in custody for about four days, he exploited her sexually by having physical relation with her. The prosecutrix was recovered on 28.08.2020. Subsequent to which, F.I.R. has been lodged. Hence, this case.
6. Considered on the submissions and the facts present in this case, the case is now pending for trial, therefore, I am of this view that the applicant should be granted bail during the pendency of trial against him.
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