

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 127 of 2021

- Aditya Kashyap S/o Pawan Kashyap, Aged About 18 Years, R/o Shivaji Marg, Gali No.02, Tikrapara, Tahsil and District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Police Station Civil Line, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Syed Ishhadil Ali, Advocate.

For State/Non-applicant – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2021

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 19-11-2020 in connection with Crime No.804/2020 registered at P.S. – Civil Line, District Bilaspur, Chhattisgarh for the offence under Section 363 and 376 of the IPC along with Section 4 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix has made statement under Section 164 of the Cr.P.C. about her affair with the applicant and also about her willingness and consent in the relationship. Therefore, there is no case against this applicant. Hence, it is prayed the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that the applicant had affair with the prosecutrix which was discovered. Subsequent to which, this applicant abducted the minor prosecutrix, kept her in his custody for some time during

which he exploited her sexually knowing well that she was not capable of giving consent.

6. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances present, 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