

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.174 of 2021

- Mukesh Netam S/o Hemnath Netam, Aged About 22 Years, Resident Of Payalikhanda (Jugad), District Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Payalikhanda Jugad, District Gariyaband Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.

For Non-applicant/State : Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 23.01.2020, in connection with Crime No.10/2020 registered at Police Station-- Payalikhanda Jugad, Gariyaband, C.G. for offence punishable under Sections 363, 366 and 376(2)(a) of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. There had been a love affair between the applicant and prosecutrix, which has been admitted by her in her statements to the police and to the Magistrate under Section 164 of Cr.P.C. The applicant is in jail since 23.01.2020 and the trial is not making any progress, 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 age of prosecutrix was only about 15 years on the date of incident, therefore, any consent or willingness on her part is of no consequence. Therefore, the application may be rejected.
4. The complaint had appeared on notice on 19.02.2021 and had raised objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the applicant and the prosecutrix were known to each other. The prosecutrix was abducted by the applicant and then he kept her in his custody for sometime during which he exploited her sexually, then this F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions and looking to the statement of prosecutrix regarding her admission about the affair with the applicant, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge