

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.253 of 2021

- Sagar Dhritlahare S/o Naresh Dhritlahare, Aged About 19 Years R/o - Village- Akoli Khurd, Police Station- Arang, District - Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Arang, District - Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-03-2021

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 16.09.2020, in connection with Crime No413/2020 registered at Police Station-- Arang, District- Raipur, C.G. for offence punishable under Sections 363, 366 and 376(3) of I.P.C. and Sections 4 and 6 of the 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. The statement of prosecutrix under Section 164 of Cr.P.C. shows that the prosecutrix had willingly gone and resided with the applicant and there is no allegation of rape made by her, hence, there is no case present against this applicant. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of prosecutrix under Section 161 of Cr.P.C. makes allegation of rape against the applicant and the

prosecutrix being minor, her willingness is immaterial. Hence, it is prayed that this application may be rejected.

4. Complainant- Shyam Lal Kurre is present before this Court on notice and he has no 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, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and took her to places where she was kept in custody and sexually exploited by the applicant. Hence, this case.
7. Considered on the submissions. After considering on the statement that has been given by the prosecutrix under Section 164 of Cr.P.C., 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