

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 459 of 2021

- Pinku @ Rakesh Giri, S/o Rajkumar Giri, Aged About 20 Years, R/o Konkona, Police Station-Bango, District-Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bango, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.R.J. Jaiswal, Advocate.
For Respondent/State	:	Mr. B.P. Banjare, Govt. Advocate.

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

25/02/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.137/2020 registered at Police Station-Bango, District-Korba(C.G.) for the offence punishable under Sections 363, 365, 376 of IPC and Sections 4 & 6 of the POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant has not committed any offence. The FIR in this case is delayed by 3 days, hence, it is concocted and false. He is in jail since 16.10.2020, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix of age below 16 years and her statement shows, that she was abducted and raped by this applicant, hence, the applicant is not entitled for grant of bail.
4. Prosecutrix and her father Sukhlal Sarthi both are present before this Court and they have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, It is submitted that the applicant and the prosecutrix both had affair. Then on 8.10.2020 this applicant abducted the minor prosecutrix from her lawful guardianship and then by keeping her in his custody, he forcefully committed rape with her. FIR was lodged on 12.10.2020.
7. Considered on the submissions. The statement of no objection of prosecutrix and her father before this Court, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge