

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 638 of 2021

- Roshan @ Sameer Khandekar, S/o Govind Khandekar, Aged About 19 Years, R/o Village Doto, Police-Station-Bhatgaon, District: Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Jaijaipur, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For Respondent/State : Mr. Gurudev I. Sharan, Govt. Advocate.

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

04/03/2021

Heard.

1. This is the 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.132/2020 registered at Police-Station-Jaijaipur, Distirct-Janjgir-Champa(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC, Section 6 of 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 statement of prosecutrix under Section 161 of CrPC shows that she herself left her house, made a call to the applicant and went to the house of the applicant where she stayed for the night and then she was recovered

on the next day. Her statement about the physical relation with the applicant is totally false, which is not at all supported by the medical evidence. The offence under Section 363 & 366 of IPC are clearly not made out and the evidence of offence under Section 376 of IPC is doubtful, hence, it is prayed that applicant 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 was minor of age below 15 years and, further, there is her statement about her physical relation with the applicant, hence, no case is made out for grant of bail to the applicant.
4. Notice was issued to the complainant which has been returned served for today, but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext, that he will marry her in future and then he exploited her sexually until she was recovered by the police.
7. Considered on the submissions. The statement of the prosecutrix under Section 164 CrPC mentions about her leaving home by herself. The medical examination report also does not mention about any recent sexual intercourse having taken place and the prosecutrix was medically examined on the very next day of the incident, hence, under these circumstances, I feel inclined to allow the 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

Nisha