

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 813 of 2021

- Suresh Kumar Kurre S/o Jagtaram, Aged About 20 Years, R/o Darrabhata P.S. Baradwar District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Baradwar District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sushobhit Singh, Advocate.

For State/Non-applicant – Shri Jitendra Shukla, Panel Lawyer.

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 17-10-2020 in connection with Crime No.56/2018 registered at P.S. – Baradwar District Janjgir Champa, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The statement of the prosecutrix under Section 164 of the Cr.P.C. shows that no case is made out against this applicant. Therefore, it is prayed that 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. Complainant Rajaram Patel and the prosecutrix both are present before this Court on notice. They have no objection in grant of bail to the applicant.
5. Heard the submissions and perused the case diary.
6. The case of prosecution is this, that this applicant abducted the minor

prosecutrix on pretext of marrying her and then he also performed a sham marriage with her and established physical relation with her knowing that she was not capable of giving consent being a minor. Subsequent to which, the prosecutrix became pregnant. Father of the prosecutrix has lodged the missing report on the basis of which she was recovered from the custody of this applicant.

7. Considered on the submissions. After taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and also that the complainant and the prosecutrix both have no objection in grant of bail to the applicant, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge