

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1260 of 2021

- Lekh Ram Pal @ Ram Pal, S/o Late Kanshi Pal, Aged About 21 Years R/o Ward No. 4, Village Urla, Government Hospital Ward, Urla, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Durg, District-Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ganesh Ram Burman, Advocate.

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

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

26/03/2021

1. Heard.
2. Admit.
3. 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.861/2020 registered at Police-Station-Durg, District-Durg(C.G.) for the offence punishable under Sections 363, 366, 376(2)(a) of IPC and Sections 5(a)& 6 of POCSO Act, 2012.
4. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. The statement of prosecutrix under Section 164 CrPC shows that the prosecutrix was willing and consenting party and, further, no offence of rape has been committed,

therefore, it is prayed that he may be enlarged on regular bail.

5. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted, that under Section 161 of CrPC the prosecutrix has made clear allegation against this applicant and also that prosecutrix was minor on the date of incident, therefore, any consent or willingness on her part is immaterial, therefore, he is not entitled for grant of regular bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, It is submitted that the applicant and the prosecutrix both were acquainted to each other. On 29.11.2020, this applicant abducted the minor prosecutrix kept her in his custody and also exploited her sexually. Hence, this case.
8. Considered on the submissions. After taking into consideration the statement of prosecutrix under Section 164 CrPC, I feel inclined to allow the application of this applicant.
9. 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