

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 893 of 2021

- Ganesh Sarthi, S/o Shri Kriparam Sarthi, Aged About 19 Years, R/o Village Mandua Dumar, P. S. and Tahsil Tamnar and District-Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Of The Out Post Jute Mill, Police Station Kotwali, Raigarh Tahsil Tamnar and District Raigarh Chhattisgarh

---- Respondent

For Applicant :Mr. Abhishek Saraf, Advocate.
For Respondent/State :Mrs. Smita Jha, Panel Lawyer.

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

16/03/2021

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.384/2020 registered at Out Post-Jute Mill, Police-Station-Kotwali, Raigarh, Tahsil & District-Raigarh(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 06 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 prosecutrix was not minor on the date of incident. Further, her statement under Section 164 CrPC shows about the consensual physical relation and also the marriage between them. Therefore, there is no case made out against this applicant, 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 on the date of incident the prosecutrix was minor of age below 16 years. Because of the minority of the prosecutrix, any consent or willingness on her part is immaterial. Hence, application be rejected.
4. Complainant Manboth Sarthi and the prosecutrix both are present before this Court. 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 alleged that the applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually until she became pregnant.
7. Considered on the submissions. After considering on the statement given by the prosecutrix under Section 164 CrPC and the statement of no objection of complainant and prosecutrix both, 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