

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1221 of 2021

- Vijay Bahadur Khengar, S/o Kaira Khengar, Aged About 41 Years, R/o Village-Banthari, Police-Station-Kamasin, District-Banda, Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Tilda - Nevra, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. F.S. Khare, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.

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

24/03/2021

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.391/2020 registered at Police-Station-Tilda-Nevra, District-Raipur(C.G.) for the offence punishable under Sections 370, 370A, 376 of IPC and Sections 4,6 & 14 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. The prosecutrix was not minor. The mother of the prosecutrix had performed marriage of the prosecutrix with this applicant, subsequent to which the applicant was living married life. False FIR has been lodged against the applicant. He

is in jail since 10.12.2020, hence, 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 submissions made in this respect. It is submitted that the mother of the prosecutrix is also an accused, who has trafficked her minor daughter and sold her to this applicant for a price. Subsequent to which, the mother has herself lodged FIR against this applicant. Prosecutrix is clearly a minor of age 16 years, therefore, her consent and willingness is of no consequence. This applicant and the other accused had played fraud upon the Court, by which they have obtained one order from the High Court of Allahabad, on the basis of false documents. Therefore, the applicant is not entitled for grant of regular bail.
4. The prosecutrix is present before this Court on notice. She has no objection in grant of bail to this 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 co-accused Anita Sahu took her daughter to Chitrakoot, where the marriage of the minor prosecutrix were performed with this applicant, then the co-accused received a remuneration of Rs.20,000/- from this applicant, regarding which the offences have been registered against this applicant and the other accused persons.
7. Considered on the submissions. Dispute has been raised regarding the age of the prosecutrix and, further, looking to the circumstances present and also that the prosecutrix herself has no objection in grant of bail to this applicant, 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