

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1207 of 2021

- Suresh Khunte S/o Dujram Khunte Aged About 24 Years Caste Satnami, R/o Village Pikripar, Tahsil And Police Station Malkharauda, District Janjgir Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Malkharauda, District Janjgir-Champa Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Deepak Kumar Singh, Advocate.
For Non-applicant/State	:	Mr. Akhtar Hussain, Panel Lawyer.
For objector	:	Mr. K.K. Dewangan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 07.01.2021, in connection with Crime No.208/2019 registered at Police Station-- Malkharauda, District- Janjgir- Champa, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge the ground of her minority in trial. The prosecutrix had been willing and consenting party, therefore, there is no case against the applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that any willingness and consent of prosecutrix is immaterial as she was minor on the date of incident. Therefore, it is prayed that this application may be rejected.
4. Prosecutrix is present before this Court represented by learned counsel Mr. Krishna Kumar Dewangan and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant allured the prosecutrix with false promise to marry her and after abducting her, he kept her in his custody in Delhi, where he exploited her sexually knowing well that she was not competent to give consent for such relation. Hence, this case.
7. Considered on the submissions of facts present in the case and also the statement of no objection made by the prosecutrix herself, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each 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