

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1671 of 2021

- Dhanendra Dheemar @ Dhananjay S/o Manharan Dheemar, Aged About 21 Years, R/o Village Bhansuli, Thana Raneetarai, Tah-Patan District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Patan Police of Police Station Patan District Durg Chhattisgarh, District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Gupta, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2021

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 01-10-2020 in connection with Crime No.136/2020 registered at P.S. - Patan, District Durg, Chhattisgarh for the offence under Section 363, 366, 376 2 (२) of the IPC and Section 4 & 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 01-10-2020. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. shows that she was a willing and consenting party, therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been below 16 years, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Durg on

notice. She has no objection in grant of bail to this applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was incapable of giving consent.

7. After considering on the submissions and the statement of the prosecutrix under Section 164 of the Cr.P.C. and also that the applicant is in jail since about 9 months, 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