

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1310 of 2021

- Abhay Gendle S/o Shri Sanad Gendle Aged About 27 Years R/o Village Dhaurabhata, P.S. Hirri, Tahsil Bilha District Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Hirri, District- Bilaspur (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2021

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 05.02.2021, in connection with Crime No.135/2020, registered at Police Station- Hirri, District- Bilaspur, C.G. for offence punishable under Section 376(2)(n) of I.P.C. and Section 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 05.02.2021. The statement of prosecutrix under Section 164 of Cr.P.C. reflects that she was willing and consenting party, therefore, there is no case present against this applicant. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor on the date of incident, therefore, her consent and willingness is immaterial, therefore, this applicant is not entitled for grant of bail.
4. The complainant/prosecutrix had virtually present before this Court on 23.03.2021 and she had objected to grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, this applicant allured the minor prosecutrix with false promise to marry her and then he continuously exploited her sexually, due to which she became pregnant then this F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. After taking into consideration the statement of prosecutrix under Section 164 of Cr.P.C., I am of this view that this applicant should be granted bail.
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