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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1688 of 2021

- S Kumar Bhandari (Halba) S/o Late Tularam Bhandari, Aged About 24 Years, R/o Village Chindrav, Police Station Dongargaon District Rajnandgaon Chhattisgarh Mobile No.90985-53724, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station Dongargaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Shaleen Singh Baghel, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2021

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 03-12-2020 in connection with Crime No.284/2020 registered at P.S. - Dongargaon, District Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. The applicant intends to challenge the ground of minority of the prosecutrix in the trial, otherwise it had been a case of consensual relationship. The applicant is in jail since 03-12-2020. Therefore, it is prayed that he be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix was below 16 years and her statement under Section 161 and 164 of the Cr.P.C. reveal that the physical relation has taken place between her and the applicant. Therefore, no case is made out for grant of bail.

4. Complainant Debu Yadav is virtually present along with the minor prosecutrix through Help Desk of DLSA Rajnandgaon. He 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, the applicant and the minor prosecutrix were acquainted to each other and they were also having physical relation time to time. Subsequent to which, the applicant abducted the minor prosecutrix and took her to his house and where she was recovered by the police. Hence, this case.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. and also the statement of no objection from the complainant side, 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