

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2247 of 2021

- Dharmendra Kumar Mehto S/o Manindra Mehto Aged About 19 Years R/o Village Basdila, Post Kopa, P.S. Kopa Saran Bihar Pin No. 841214 Presently R/o Priyadarshini Parisar, Gayatri Hospital Supela Bhilai, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Supela, Bhilai, District Durg, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anurag Jha, Advocate.

For State/Non-applicant – Smt. Smriti Shrivastava, Panel Lawyer.

Shri Daneshwar Prasad Dubey, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-06-2021

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 16-01-2021 in connection with Crime No.38/2021 registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC along with Section 5(L) of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 16-01-2021. The FIR lodged is totally false and misconceived, therefore, the complainant and the prosecutrix both are ready to make statement of no objection in favour of this applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the prosecution case, the age of the prosecutrix was only 14 years on the date of incident, hence, looking to the statement of the prosecutrix and other witnesses present, the applicant is not entitled for grant of bail.

4. Shri Daneshwar Prasad Dubey, Advocate is present along with the

prosecutrix and her mother through Help Desk of DLSA Durg. It is submitted that the complainant and the prosecutrix both have 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 which continued until the prosecutrix was recovered from the custody of this applicant by the police.

7. Considered on the submissions and the facts present in the case. Taking into consideration the statement of no objection from the complainant side and other circumstances, 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