

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2281 of 2021

- Raviraj Baghel, S/o Mohar Sai, Aged About 25 Years, R/o Bataikela P.S. Sitapur, District Surguja Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Sitapur, District-Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Nishi Kant Sinha, Advocate.
For Respondent/State	:	Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/03/2021

1. Heard.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.129/2019 registered at Police-Station-Sitapur, District-Surguja(C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Sections 5L & 6 of POCSO Act, 2012.
6. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. The prosecutrix was not minor. Applicant and prosecutrix both of them having affair and therefore, they

have eloped for the purpose of marrying. The false FIR has been lodged against this applicant. The applicant is in jail since 10.1.2021, hence, it is prayed that he may be enlarged on regular bail.

7. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that under Section 161 of CrPC the prosecutrix has made clear allegation against this applicant, therefore, he is not entitled for grant of regular bail.
8. I have heard the learned counsel for both the parties and perused the case diary.
9. As per prosecution case, It is submitted that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was not capable to give valid consent for such relationship.
10. Considered on the submissions. After taking into consideration of the statement given by prosecutrix under Section 164 CrPC and other circumstances present, I feel inclined to allow the application of this applicant.
11. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge