

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2686 of 2021

- Mahipal Choudhary, Son Of Daluram Choudhary Aged About 35 Years
R/o Beri, Police Station - Dadiya, District-Sikar (Rajasthan).

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station Ambagarh Chowki, District-Rajnandgaon(Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, Govt. Advocate.

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

09/04/2021

Heard.

1. 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.167/2017 registered at Police-Station-Ambagarh Chowki, District-Rajnandgaon(C.G.) for the offence punishable under Sections 363, 366, 376(2)(a) of IPC and Sections 4, 5(a)& 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. The prosecutrix had willingly left her parental house and went to the place of this applicant to reside with him as his wife. The prosecutrix was not minor on the date of incident. A consent and willingness of prosecutrix is reflected from her statement under Section 161 & 164 CrPC, hence, it is prayed that

applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that prosecutrix was minor on the date of incident, therefore, any consent or willingness on her part is immaterial, hence, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, It is submitted that this applicant abducted the minor prosecutrix on 6.8.2017, kept her in his custody in Rajasthan and exploited her sexually until she was recovered by the police on 15.8.2017. The applicant could not be arrested earlier and he has been arrested on 14.12.2020.
6. Considered on the submissions. After taking into consideration of the statement given by prosecutrix and other circumstances present, I feel inclined to allow the application of this applicant.
7. 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