

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3474 of 2021

- Abhishek Tiwade, S/o Shri Sahasram Tiwade, Aged About 19 Years, R/o Shri Ram Nagar, in front of Parshad Office Gully, Changorabhata, P.S. D.D. Nagar, Raipur, Chhattisgarh. Mobile 8889323156.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, D.D. Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajesh Tiwari, Advocate.
For State/respondent	: Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/08/2021

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.87/2021 registered at Police-Station-DD Nagar, Raipur, District-Raipur, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of IPC and Sections 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

01.03.2021. The statement of prosecutrix under Section 164 CrPC shows, that she had been willing and consenting party and, further, the prosecutrix herself had appeared before the Sessions Court made statement of no objection in grant of bail to the applicant, which was not considered, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix had been minor on age below 18 years and, further, she has made statement against the applicant under Section 161 CrPC, hence, the application be rejected.
4. The complainant and prosecutrix both had appeared on 16.7.2021. The complainant though had objected in grant of bail to the applicant, but prosecutrix had no objection.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that there is allegation against this applicant that he abducted the minor prosecutrix and then by keeping her in his custody, he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 CrPC, I feel inclined to allow the application of this applicant.
8. 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

Nisha