

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2446 of 2021

- Nohardas Kosle S/o Bhagchand Kosle, aged about 28 years R/o Village Mahugaon, P.S. Dharsiva, Distt. Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, P.S. Palaari, Distt. Balodabazar, Bhatapara(C.G.)

---- Non-applicant

For Applicant : Mr. Ram Sajiwan, Advocate

For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-04-2021

1. Heard on admission.
2. Admit.
3. Both the counsel agree to make their submissions and heard the matter finally.
4. This is the first bail application filed under Section 439 of the Cr.P.C for grant of regular bail to the applicant who has been arrested on 09/03/2021, in connection with Crime No.05/2021, registered at Police Station-- Palaari, Distt. Balodabazar, Bhatapara C.G. for offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4, 18 & 6 of the POCSO.
5. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. He further submits that the Prosecutrix was not minor on the date of the

incident. The statement of the Prosecutrix recorded under Section 164 of the Cr.P.C reveals that she was the consenting party in relationship with the applicant, therefore, no case is made out against the applicant. He prays to grant bail to the applicant.

6. Learned counsel for the State/non-applicant opposes the application and submits that the Prosecutrix was minor and aged below 18 years, therefore, her consent is immaterial in the present case. He prays to reject the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, it is alleged that the applicant had abducted the Prosecutrix and took her to Telangana. There he kept her in custody and also exploited her sexually knowing well that she was not capable to give consent for such relation.
9. Considered the submissions put forth by the parties and the statement of the Prosecutrix recorded under Section 164 of the Cr.PC and other evidence, I am inclined to release the applicant on bail.
10. Consequently, the bail application is 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
11. Certified copy as per rules.

Rahul

Sd/-
(Rajendra Chandra Singh Samant)
Judge