

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2531 of 2021

- Deepak Sidar S/o Shri Naresh Sidar, Aged About - 23 Years, (wrongly mentioned as 33 years) R/o - Tilga Niche Para, Raigarh, Police Station - Chakradhar Nagar, Tahsil And District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh : Through: S.H.O. of the Police Station - Chakradhar Nagar, Tahsil and District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant –Shri Abhishek Saraf, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-04-2021

Heard.

Admit.

Learned counsel for the State/non-applicant submits that the case diary is available.

Learned counsel for both the parties have agreed to make their submission on this application.

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 08-03-2021 in connection with Crime No.140/2021 registered at Police Station – Chakradhar Nagar, Tahsil and District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor and further, she had been a consenting and willing party, which is reflected from her statement in the investigation. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that the prosecutrix was minor of age below 18 years, therefore, her consent and willingness is immaterial and the offences registered against the applicant are made out. Hence, the application be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 27-02-2021, took her to various places and kept her in his custody and also exploited her sexually knowing well that she was not capable of giving consent.

6. Considered on the submission and taking into consideration the statement of the prosecutrix and other circumstances present, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge