

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2572 of 2021**

- Irfan Khan, S/o Sheikh Zaleel Khan, Aged About 22 Years (Wrongly Mention As Zaleel Khan) R/o Darripara Kawardha, Tehsil And District Kawardha (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through Arakshi Kendra Kawardha (C.G.), District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	: Mr. Basant Dewangan, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.
For Objector	: Mr. Achchyut Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/07/2021**

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.116/2021 registered at Police-Station-Arakshi Kendra, Kawardha(C.G.) for the offence punishable under Sections 363, 366, 376/34 of IPC and Section 4 & 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 15.02.2021. The relationship of the applicant with the prosecutrix was consensual. The statement of prosecutrix under Section 164 CrPC reveals about the affair and that she willingly accompanied the applicant to go to different places and have physical relation with him.

The prosecutrix was not minor on the date of incident, therefore, there is no case present against this applicant, 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 prosecutrix was minor on the date of incident, therefore, her consent and willingness is immaterial.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Kawardha on notice. She has stated that she has objection in grant of bail to this applicant.
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 the applicant and the minor prosecutrix developed a love affair between them. It is alleged that this applicant abducted the minor prosecutrix and took her to various places where he kept the prosecutrix in custody for some time and during that period, he exploited her sexually, knowing well that she was not capable to give consent for such relation being a minor.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 CrPC and the other circumstances present, I feel inclined to allow the bail 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