

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2751 of 2021

- Vineet Beck, S/o Shri Sukhram, Aged About 19 Years, R/o Village Dipadihkhurd Bagichapara, Police-Station-Shankergarh, District Balrampur- Ramanujganj (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Shankergarh, District Balrampur- Ramanujganj (C.G.).

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate.
For State/respondent	: Ms. Shivali Dubey, PL for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/09/2021

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.107/2020 registered at Police-Station-Shankergarh, District-Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366, 376,2(ॢ) of IPC and Sections 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 09.11.2020. The applicant has undergone period of 10 months

in jail and the trial is not making any progress. The prosecutrix in this case was not minor and, further, she was a consenting party which is reflected in her statement under Section 164 of CrPC, 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 was minor and secondly there is clear allegation made by her under Section 161 CrPC, hence, the application be rejected.
4. The complainant has appeared today before this Court on notice through Help Desk of this High Court. He has objected in grant of bail to the 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 the applicant abducted the minor prosecutrix took her to different places, kept her in his custody for some time, during which he had physical relation with her on pretext of marrying her this continued until the prosecutrix was recovered by the police.
7. Considered on the submissions. Taking into consideration the statement given by prosecutrix under Section 164 CrPC and the other circumstances present, 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