

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2634 of 2021**

- Suresh Kumar Thakur, S/o Anuj Thakur, Aged About 18 Years R/o Village- Gond Beeja Police Station and Tahsil Saja, District-Bemetara, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Gandai, District- Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate.

For State/respondent : Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/08/2021**

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.51/2021 registered at Police-Station-Gandai, District-Rajnandgaon(C.G.) for the offence punishable under Sections 363, 366, 376(2)(N) 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 24.03.2021. The case against this applicant is totally false. The statement of prosecutrix under Section 164 CrPC clearly shows, that it was the prosecutrix, who had called the applicant and emotionally

threatened him because of which the applicant took her to places, during which they had physical relation, which was consensual. Subsequent to this incident, the applicant was arrested and detained. The prosecutrix got mentally harassed because of which she has committed suicide for which the applicant has not responsible. Mother of prosecutrix, has mentioned the reason that why the prosecutrix had committed suicide in her statement under Section 161 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 age of prosecutrix had been below 18 years on the date of incident, therefore, he willingness and consent is immaterial, hence, the application be rejected.
4. The complainant is virtually present before this Court through the 'Help Desk' of DLSA, Rajnandgaon on notice. He has stated that he 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 this applicant abducted the minor prosecutrix, kept her in his custody and also had physical relation with her until the prosecutrix was recovered by the police, knowing well that she was not capable to give consent for such relation being minor. Later on after the applicant was arrested, the prosecutrix has committed suicide.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 CrPC and the statement of her mother

under Section 161 CrPC, 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