

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2927 of 2021

- Immaman Khan, S/o Late Liyakat, Aged About 19 Years, R/o Village-Tendutikra, Police Station- Udaypur, District- Sarguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Udaypur, District- Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arun Kumar Shukla, Advocate.
For State/respondent	: Mrs. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/07/2021

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.11/2021 registered at Police-Station-Udaypur, District-Sarguja(C.G.) for the offence punishable under Sections 363, 366, 376(2)(N) of IPC and Section 5(L), 6 of POCSO Act and Section 3(2)(V) of Schedule Caste & Schedule Tribe Prevention of Atrocities Act.
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 22.02.2021. Charge-sheet has been filed. The statement of prosecutrix

under Section 164 CrPC shows, that she was willing and consenting party, therefore, there is no case made out against this applicant, hence, the 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 clearly minor of age below 18 years on the date of incident, therefore, her consent or willingness is of no consequence, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Ambikapur on 15.07.2021. She has stated that she has no 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 the prosecutrix and the applicant both were acquainted to each other. The prosecutrix left her place, met with the applicant, who took her to Bihar and Delhi, where both of them resided, during which they also had physical relation. The applicant had full knowledge that the prosecutrix was minor and not capable to give consent for such relation being minor. Finally the prosecutrix has been recovered from the custody of this applicant and the police has arrested the applicant.
7. Considered on the submissions and the facts of the case. After considering on the statement of prosecutrix under Section 164 CrPC and the circumstances present, I feel inclined to allow this bail application and release the applicant on bail.

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