

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4156 of 2021

- Ramratu @ Bhim son of Jageshwar, Aged About 20 Years, Residence of Tharki, P.S. Rajpur, District - Balrampur Ramanujanj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through SHO Police Station - Pasta, District - Balrampur Ramanujanj (Chhattisgarh), District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Vikas Pandey, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-07-2021

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 21-11-2020 in connection with Crime No.94/2020 registered at P.S. - Pasta, District - Balrampur Ramanujanj, Chhattisgarh for the offence under Section 363, 366(A), 376(2)(n) of the IPC and Section 4, 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 21-11-2020. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. reveals that she was a willing and consenting party, therefore, there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Balrampur. She has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, there had been affair of the minor prosecutrix with the applicant. It is alleged that this applicant abducted the minor prosecutrix and kept her in his custody and also had physical relation with her knowing well that she was not capable of giving such consent. Hence, this case.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge