

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3768 of 2021

- Mohammad Alam Gir S/o Mohammad Alam, Aged About 22 Years, R/o Simwarra, Vihar, Present Address Sakreli, Police Station Baradwar, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Station House Officer, Police Station Jaijaipur, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Mr. Chandra Prakash Lahrey, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2021

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 28-12-2020 in connection with Crime No.156/2020 registered at P.S. - Jaijaipur, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376 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 28-12-2020. Charge sheet has been filed. The statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. shows that she was a consenting party. Further, she was not minor on the date of incident. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix is very clear against this applicant regarding commission of offence of rape and also that the prosecutrix was minor. Therefore, the application may be rejected.

4. The complainant had virtually appeared before this Court on 16-07-2021 on notice and made statement of 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, this applicant abducted the minor prosecutrix, kept her in his custody for two days and also exploited her sexually. Hence, this case.
7. Considered on the submissions. After considering on the statement of the prosecutrix and the statement of no objection from the complainant, 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