

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2992 of 2021

- Prannath Bareth S/o Shri Dadu Lal Bareth, aged about 28 years R/o Village Lavara, Tehsil and Police Station Baradwar, District Janjgir-Champa (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Baradwar, District Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Surfaraj Khan and Mr. K.K. Patel, Advocates
For Respondent/State	:	Ms. Hamida Siddique, Dy. Adv. General
For Objector	:	Ms. Palak Jindal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

09/07/2021

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. 87/2021 registered at Police Station Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and she herself has no objection in grant of bail to the applicant, therefore, the applicant may be enlarged on bail.

3. Per contra, learned State counsel opposes the bail application and submits that the prosecutrix was minor, below 18 years of age on the date of incident, therefore, her consent or willingness is immaterial. Prayer is made to reject the bail application.
4. Counsel appearing on behalf of the Objector submits that the complainant has no objection 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, on the date of incident the applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Taking into consideration that there is no objection in grant of bail to the applicant from the side of the Complainant and an affidavit which has been filed by the prosecutrix herself shows that she has no objection in grant of bail to the applicant, 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