

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3077 of 2021

- Rohit S/o Nandram Dheever, aged about 23 years R/o Mahamaya Para Kasdol, P.S. Kasdol Baloda Bazar District Baloda Bazar, Bhatapara (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Kasdol District Baloda Bazar, Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Palash Tiwari, Advocate
For Respondent/State	:	Mr. Anil Tripathi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/07/2021

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. 585/2019 registered at Police Station Kasdol District Baloda Bazar, Bhatapara (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. The applicant and the prosecutrix both are married and they are having a child, therefore, there is no case against the applicant. He prays to release the applicant on bail who is in jail since 03/04/2021.

3. Per contra, learned State counsel opposes the bail application.
4. The prosecutrix has virtually appeared before this Court on notice. She 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, the applicant abducted the minor prosecutrix and on the pretext of marriage, he continuously exploited her sexually as a result of which the prosecutrix became pregnant and gave birth to a male child.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix recorded under Section 161 of the Cr.P.C and also the fact that she has no objection in granting 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