

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3176 of 2021

- Shani Tandon, S/o Shri Mandas Tandon, Aged About 21 Years R/o Ward No. 06, Atal Awas, Sakri, P.S. Sakri, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Sakri, District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Nitansh Kumar Jaiswal, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/09/2021

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.44/2021 registered at Police-Station-Sakri, District-Bilaspur(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act, 2012.
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 31.01.2021. Charge-sheet has been filed. The prosecutrix has been examined in the trial and she has been declared hostile by the prosecutor, therefore, she is not a reliable witness, hence, it is prayed

that this 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 the prosecutrix was minor of age about 16 years on the date of incident, therefore, her willingness and consent is immaterial, hence, the application be rejected.
4. Complainant Raghuveer Yadav had virtually appeared before this Court through the 'Help Desk' of High Court on 17.6.2021. He had stated that he has 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 that there is allegation against this applicant that he abducted the minor prosecutrix and then by keeping her in his custody, he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement given under Section 164 CrPC and also before the Court, I feel inclined to allow the application of this applicant.
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