

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3161 of 2021

- Narendra Kumar Rajak S/o Ramkumar Rajak Aged About 19 Years R/o Village Pendarwani, Police Station Gandai, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For State/respondent : Mr. Sameer Uraon, Govt. Advocate.

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

07-06-2021

Heard.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 27.03.2021, in connection with Crime No.62/2021 registered at Police Station-- Sahaspur, Lohara, District- Kabirdham, C.G. for offence punishable under Sections 363, 366, 376(2)(n), 376(2)(j) of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix in this case was not minor on the date of incident. In fact, the prosecutrix and the applicant both have eloped and then they married each other on arriving at Lucknow. The relationship has taken place between applicant and prosecutrix on the basis of consent between each other. Therefore, there is no case present. Hence, it is prayed that this application may be

allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the entry in the school record shows that prosecutrix was minor on the date of incident, therefore, she was not capable of giving consent and the offence is clearly made out. Therefore, it is prayed that this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years on pretext of marrying her then he kept the minor prosecutrix in his custody in Lucknow, performed a sham marriage and then he exploited her sexually until she was recovered by the police. Hence, this case.
6. Considered on the submissions and the facts of the case present, I am of this view that it is a fit case for grant of bail to the applicant.
7. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge