

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3243 of 2021

- Bramha Kurre Son Of Umashankar Kurre Aged About 19 Years Resident Of Village - Thaggaon, Police Station And Tahsil- Khadgawan, District- Korea (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station, Khadgawan, District- Korea (Chhattisgarh)

---- Non-applicant

For Applicant	:	Mr. Hemant Kumar Agrawal, Advocate.
For Non-applicant/State	:	Mr. Ajay Kumrani, Panel Lawyer.
For complainant	:	Mr. Udho Ram Koshley, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-07-2021

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.100/2021 registered at Police Station— Khadgawan, District- Korea, C.G. for offence punishable under Sections 363, 366 and 376(2)(n) 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 F.I.R. lodged against the applicant is totally false, therefore, the prosecutrix is now making statement of no objection in support of the applicant, hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the age of prosecutrix was below 16 years and there is clear evidence regarding her abduction and rape by this applicant.

Therefore, it is prayed that this application may be rejected.

4. Shri U.R. Koshley- learned counsel for the complainant has appeared on behalf of the complainant and submits that the complainant and the prosecutrix have 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 on pretext of marrying the prosecutrix abducted her and then by keeping her in his custody, he established physical relation with her continuously knowing well that she was not capable of giving consent. Hence, this case.
7. Considered on the submissions. Looking to the statement of no objection from the complainant side and also the other circumstances and that the trial against the applicant is likely to take some time, therefore, I feel inclined to allow this application.
8. 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 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