

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3293 of 2021

- Shriram Rajput, S/o Surendra Kumar, Aged About 22 Years, R/o Village- Jaitpuri, P.S.- Nandghat, Tahsil- Navagarh, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P.S.- City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rakesh Kumar Thakur, Advocate.
For State/respondent	: Mr. Amit Kumar Verma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/07/2021

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.477/2021 registered at Police-Station-City Kotwali, Dhamtari, District- Dhamtari(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of POCSO Act.
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 23.02.2021. The prosecutrix has turned hostile in the trial. Further, the

statement of prosecutrix under Section 164 CrPC discloses that she was willing and consenting party through out, therefore, there is no case made out against this applicant, 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 of age below 16 years, therefore, her willingness and consent is immaterial.
4. The complainant had virtually appeared before this Court through the 'Help Desk' of DLSA, Dhamtari on 14.7.2021. She has stated that she has no 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 this applicant abducted the minor prosecutrix then performed marriage and started living as a husband and wife. During which, he also had physical relation with her, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 CrPC and also that the complainant side had no objection in grant of bail to the applicant, 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

Nisha