

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3631 of 2021

- Ajay Dhritlahre, S/o Prabhudas Dhritlahre, Aged About 19 Years, R/o Minimata Chowk, Rawabhatha, P.S. Khamtarai, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.P. Sahu, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2021

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.94/2021 registered at Police-Station-Mandir Hasaud, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376 & 376(2)(ढ) 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 10.03.2021 and the trial against the applicant is likely to take some

time, hence, the 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 prosecutrix was minor on the date of incident and, further, there is clear evidence against the applicant in the statement of prosecutrix given under Section 161 CrPC, therefore, the application be rejected.
4. The minor presecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Raipur on notice. 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 and the minor prosecutrix both were having love affair since 2019. It is alleged, that this applicant then abducted the minor prosecutrix, took her to his place of residence where he kept her in his custody and 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 and the facts of the case. Taking into consideration the statement of the prosecutrix under Section 164 CrPC in which there is omission present compared to her previous statement under Section 161 CrPC, therefore, 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

Nisha