

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3607 of 2021

- Jai Kumar Rai S/o Chhatram Rai Aged About 26 Years R/o Village Pachpedi, Tahsil Masturi, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Pachpedi, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rajeev Kumar Dubey, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-07-2021

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 13.05.2021, in connection with Crime No.106/2021 registered at Police Station— Pachpedi, District- Bilaspur, C.G. for offence punishable under Sections 363 and 376 of I.P.C. and Sections 04 and 06 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 applicant is in jail since 13.05.2021. The statement of prosecutrix under Section 164 of Cr.P.C. reveals about the affair and consensual relationship of the applicant with the prosecutrix and the prosecutrix was also not minor on the date of incident, therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submissions made by the learned counsel for the applicant and submits that the prosecutrix was minor on the date of incident, therefore, her willingness and consent is immaterial. Hence, it is prayed that this application may be rejected.

4. The prosecutrix had appeared on 15.07.2021 and she has made a statement of 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 abducted the minor prosecutrix of age below 18 years and then, by keeping her in his custody, he also had physical relation with her, knowing well that being a minor, she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions and on the statement of prosecutrix under Section 164 of Cr.P.C. and also on the statement of no objection. I feel inclined to allow this application.
8. Consequently, this application filed by the applicant 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 each 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