

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3618 of 2021**

- Daulatram Dhruw, S/o Manoj Kumar Dhruw, Aged About 24 Years R/o Village - Kosrangi, Police Station - Khallari, District - Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through - Station House Officer, Police Station Khallari, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ram Vifal Ram Rajwade, 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.154/2020 registered at Police-Station-Khallari, District-Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 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 04.08.2020. The prosecutrix was not minor on the date of incident her statement under Section 161 CrPC itself shows that there had been between her and the applicant, therefore, no case is made out against

the applicant, hence, therefore, 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 minor on the date of incident, therefore, any consent by her is of no consequence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that this applicant on pretext of marriage, had abducted the minor prosecutrix on 3.8.2020 and kept her in his custody and then also had physical relation with her, knowing well that she was not capable to give consent for such relation being minor.
6. Considered on the submissions. After taking into consideration the facts and circumstances of this case. As the charge-sheet has been filed and the trial is likely to take some time, I feel inclined to allow the application of this applicant.
7. 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