

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3726 of 2021

- Shubham @ Deenu Thakur S/o Raju Umre Aged About 20 Years R/o Village Dhaur Near Aazad Chowk P.S. Jamul, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Collector District Durg (Chhattisgarh) District Magistrate, District Durg Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Goutam Khetrapal, Advocate.
For Non-applicant/State	:	Mrs. Hamida Siddiqui, Dy. A.G.
For complainant	:	Mr. Purnendra Khichariya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-08-2021

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 20.04.2021, in connection with Crime No.190/2021, registered at Police Station— Chawni, District- Durg, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 5(३) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. He is in jail since 20.04.2021. The prosecutrix has clearly stated in her statement under Section 164 of Cr.P.C. that she and the applicant had love affair and that she had willingly accompanied the applicant to go with him and also consensually submitted for physical relations. Therefore, there is no

case against the applicant, therefore, he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix is minor and physical relation with her by the applicant amounts to offence of rape, therefore, the application may be rejected.
4. Learned counsel Shri Purnendra Khicariya had appeared on behalf of complainant and prosecutrix and submits that the complainant and 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, there is allegation against this applicant that he abducted the minor prosecutrix, kept her in his custody and also had physical relation with her knowing well that being a minor, she was incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. After considering on the statement of prosecutrix under Section 164 of Cr.P.C. and also that the complainant side has no objection in grant of bail to the applicant, 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 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