

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3709 of 2021

- Awdhesh Pratap Sarthi @ Janu, S/o Tekram Sarthi, Aged About 21 Years, R/o Barbaspur, Police-Station-Podi, District-Koriya Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Of Police Station - Podi, District - Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State/respondent	: Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/09/2021

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.51/2021 registered at Police-Station-Podi, District-Koriya, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(क) of IPC and Sections 4 & 6 of POCSO Act, 2012.
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 04.04.2021. The statement of prosecutrix under Section 161 and 164 CrPC shows that prosecutrix had willingly submitted to the applicant and gone and resided with him, therefore, there is no case present against this applicant, 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 statement of prosecutrix under Section 161 CrPC is clearly against the applicant, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of TLSA Chirmiri on 16.07.2021. She had stated that she has 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 on pretext of marrying the prosecutrix had continuously exploited her sexually on numerous occasions. The prosecutrix was residing in the house of the applicant when her maternal-uncle came to take her back she refused, subsequent to which, FIR was lodged.
7. Considered on the submissions and facts that are present and also the statement of prosecutrix given under Section 164 CrPC, 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