

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3918 of 2021**

- Puranlal Sahu S/o Rewaram Aged About 23 Years R/o Village Bhendri, Outpost Karelibadi, Police Station Magarlod, District-Dhamtari Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Outpost Karelibadi, Police Station Magarlod, District : Dhamtari, 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****22/09/2021**

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.93/2021 registered at Police-Station-Outpost-Karelibadi, P.S.-Magarlod, District-Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 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 01.04.2021. Charge-sheet has been filed. The statement of prosecutrix under Section 161 CrPC shows, that she herself accompanied the

applicant and visited places where she resided without making complaint or raising any alarm, which shows that she was consenting party by conduct, therefore, there is no case present, hence, 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 age of the prosecutrix had been below 18 years, therefore, her submissions to the applicant cannot be regarded as consensual, hence, the application be rejected.
4. The complainant had virtually appeared before this Court through the 'Help Desk' of DLSA Dhamtari on 22.07.2021. 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 the applicant used to express his love for the minor prosecutrix. On the date of incident, he compelled the minor prosecutrix to come with him in the place of his relatives and he kept her in his custody for about two days during which he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Taking into consideration all the facts and circumstances that are present in the case, 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

Nisha