

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3909 of 2021**

Rajesh Kumar, S/o. Ramdas Pankaj, aged about 21 years, R/o. Village Dewarbord, Thana Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, In-Charge, Police Station Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Ms. Supriya Upasane, Advocate
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/07/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.221/2020, registered at Police Station – Bilaigarh, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 12.05.2021. The statement of the prosecutrix under Section 164 of Cr.P.C. reveals that she was willing and consenting party. Further the prosecutrix was not minor on the date of incident.

Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident, therefore, any consent or willingness on her part is immaterial. Therefore, the application be rejected.
4. Prosecutrix is present virtually before this Court on notice through the Help Desk of this Court and she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the prosecutrix is age below 18 years. Her father lodged missing report subsequent to which, the prosecutrix was recovered from the possession of this applicant and then on the basis of her statement, offences have been registered against the applicant.
7. Considered on the submissions. After taking into consideration, the statement of the prosecutrix under Section 164 of Cr.P.C. and other facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram