

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4079 of 2021**

- Sonu @ Ajay Dewangan, S/o Prakash Das, Aged About 18 Years, R/o Village Durgapur, P. S. Shankargarh, District-Balrampur Ramanujanj Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, P. S. Lundra District Surguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Nishikant Sinha, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/07/2021**

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.57/2021 registered at Police-Station-Lundra, District-Surguja(C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 5(L) & 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 17.04.2021. The statement of prosecutrix under Section 164 CrPC clearly shows that she had been willing and consenting party. The prosecutrix was not minor on the date of incident, 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, therefore, her consent and willingness is immaterial. Hence, the application be rejected.
4. Prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA-Surguja on notice. She has stated that she has no 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 allured the minor prosecutrix of age about 17 years, kept her in his custody and exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. After considering on the submission under Section 164 CrPC and also that she has no objection in grant of bail to this applicant, 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