

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4199 of 2021

- Naval Kishor Baghel S/o Laxmiprasad Baghel, Aged About 20 Years, R/o Village Puraina, Police Station Kharsia, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station Kharsia, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Deepak Kumar Singh, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.
Shri Anand Prakash Sharma, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 07-03-2021 in connection with Crime No.319/2018 registered at P.S. - Kharsia, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 07-03-2021. Charge sheet has been filed. The prosecutrix was not minor, she has herself mentioned in her statement under Section 164 of the Cr.P.C. that her age is 19 years and that she is a willing and consenting party. She also married with the applicant and now she is having a child of age 5 months. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been 14 years 2 months on the date of incident, therefore, her willingness and consent is immaterial. Hence,

the application may be rejected.

4. The complainant is represented through counsel Shri A.P. Sharma. It is submitted by him that the complainant has 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, it is alleged that this applicant abducted the minor prosecutrix and then exploited her sexually knowing well that she was unable to give consent being a minor.

7. Considered on the submissions. After taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and the statement of no objection made by the complainant side, 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