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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 4071 of 2021**

Aryan Das @ Suraj Das, S/o. Goverdhan Das, aged about 22 years, R/o. Village Bhithua Dhabpara, Police Station -Sitapur, District Surguja Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station Sitapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Nishi Kant Sinha, Advocate  
For Respondent/State : Mr. Amit Verma, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**26/07/2021**

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.25/2021, registered at Police Station – Sitapur, District Surguja (C.G.) for the offence punishable under Section 363, 366, 376 (3), 376 (2) (n) of the Indian Penal Code and Section 3 (a), 4 (2), 5 (L) and 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 The applicant is in jail since 24.01.2021. Charge-sheet in this case has been filed. The statement of the prosecutrix under Section 164 of Cr.P.C.

clearly reveals that there had been love affair and consensual relationship between the applicant and prosecutrix. Therefore, there is no case present against the applicant. 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 age of the prosecutrix had been only 15 years at the time of incident, therefore, her consent or willingness is immaterial. Therefore, the applicant is not entitled to be released on bail.
4. Prosecutrix is present virtually before this Court on notice through the Help Desk of District Legal Services Authority, Ambikapur, Sarguja 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 applicant and the prosecutrix were known to each other. It is alleged that on the date of incident, the applicant abducted the minor prosecutrix and kept her in his custody and also made physical relation with her knowing well that she is minor and not capable to give valid consent.
7. Considered on the submissions. After taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and other facts and circumstances present, 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