

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4283 of 2021**

- Bindu @ Akash, S/o Ram Kisun Rajwade, Aged About 21 Years, R/o Kailashpur, Police Station Jaynagar, District Surajpur Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Lakhanpur, District Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. Ram Vifal Ram Rajwade, Advocate.

For State/respondent : Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/08/2021**

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.51/2021 registered at Police-Station-Lakhanpur, District-Surguja(C.G.) for the offence punishable under Sections 363, 366, 376, 114, 34 of IPC and Sections 4 & 6 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. Charge-sheet has been filed. The prosecutrix has not stated anything specific in her statement under Section 164 CrPC. Her relation with the applicant was consensual. 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 prosecutrix was minor of age below 18 years, therefore, her consent and willingness is immaterial, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA, Ambikapur on 29.07.2021. She had 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 abducted the minor prosecutrix, knowing well that she was not capable to give consent for such relation being minor had physical relation with her.
7. Considered on the submissions and after considering on the submission of prosecutrix under Section 164 CrPC and also that she has not objection in grant of bail to the applicant, I feel inclined to allow the bail 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