

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4265 of 2021**

- Amit Bramhe, S/o Tekram Bramhe, Aged About 23 Years, R/o Village Kosrangi , Police Station Kharora, District-Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Aarang, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anchal Kumar Matre, Advocate.
For State/respondent	: Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/07/2021**

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.552/2020 registered at Police-Station-Arang, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376(2)n of IPC and Section 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. He is in jail since 20.04.2021. Charge-sheet has been filed. The statement of the prosecutrix under Section 164 CrPC reveals that she had willingly gone and resided with the applicant and also had consent for physical relation. The prosecutrix was not minor on the date of incident. Her age

is already disputed on the basis of the documents of Aadhar Card and school register on which the prosecution is placing reliance. Entry in both these documents is different, 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 statement of the prosecutrix under Section 161 CrPC is clear and categorical against this applicant, regarding commission of offence of abduction and rape with her, therefore, the application be rejected.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Raipur on notice. She has stated that she has 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 on the date of incident the minor prosecutrix left her house because of misbehavior of her father and she met with this applicant, who allured the minor prosecutrix with false promise to marry her and then took her and kept her in his custody in different places and then he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. The statement of prosecutrix under Section 161 & 164 CrPC are contradictory and also looking to the other circumstances present, 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

Nisha