

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4463 of 2021

- Sukhlal Bek S/o Jugeshwar Ram, Aged About 21 Years, R/o Village Jori, Police Station Dhourpur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through - P.S. Dhourpur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Abhishek Pandey, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2021

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 09-04-2021 in connection with Crime No.37/2021 registered at Police Station – Dhourpur, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2) (n) of the IPC and Section 5(1)/ 6 of POCSO Act.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 09-04-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 reflects that she and the applicant both had love affair and as marriage of the prosecutrix was being negotiated by her parents with some other person, therefore, she herself came to the house of the applicant and stayed there, during which the missing report was lodged and she was recovered by the police. Hence, there is no case present against the applicant. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the

Cr.P.C. is clearly making allegation of abduction and rape against the applicant. Further, the prosecutrix is minor. Therefore, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 03-08-2021 and she stated about having no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. The case of prosecution is this, that this applicant abducted the minor prosecutrix and then on pretext of marrying her he had physical relation with her on more than one occasion knowing well that she was unable to give consent being a minor.

7. Considered on the submissions. Looking to the facts present and also the statement of the prosecutrix under Section 164 of the Cr.P.C., 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