

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4565 of 2021**

- Gyandas @ Nanu Koshle, S/o Mohit Koshle, Aged About 22 Years, R/o Village- Singhanpuri, Police Station - Nandghat, District- Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Nandghat, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Tarun Dansena, Advocate.
For State/respondent	: Mrs. Hamida Siddiqui, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/08/2021**

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.73/2021 registered at Police-Station-Nandghat, District-Bemetara(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 5(३) & 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 02.03.2021. No case is made out against this applicant. The statement of prosecutrix under Section 164 CrPC shows that she was willing and consenting party, 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 prosecutrix was minor of age below 18 on the date of incident, therefore, her willingness and consent is immaterial, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA, Bemetara on 5.8.2021. She had 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 there is allegation against this applicant that he abducted the prosecutrix and then by keeping her in his custody, he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement given under Section 164 CrPC and other circumstances, 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