

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4281 of 2021**

Devanand Kurre, S/o. Shivshankar Kurre, aged about 20 years, R/o. Village Kurra, Police Station Nandghat, District Bemetara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate
For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/07/2021

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.161/2021, registered at Police Station – Sirgitti, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the Indian Penal Code, Section 4 & 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 applicant is in jail since 25.05.2021. Prosecutrix, her mother and her maternal uncle had appeared, before the Sessions Court to make statement of no objection in grant of bail to the applicant, which was not considered. 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 prosecutrix was minor, therefore, her consent or willingness is immaterial. Therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and also exploited her sexually knowing well that she was not capable of giving consent for such relationship.
6. Considered on the submissions. Looking to the development that has taken place in which the complainant/prosecutrix herself is interested in grant of bail to the applicant, which is reflected from the rejection order, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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