

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4362 of 2021**

Alok Kujur, S/o. Raju Kujur, aged about 21 years, Caste - Uraon, R/o Village Podikala, P. S. Darima, District Surguja Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Mahila Thana Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Shakti Singh Thakur, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/07/2021**

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.26/2021, registered at Police Station – Mahila Thana, Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 376 (2) (n) of the Indian Penal Code and Section 5 (ढ), 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. There had been an affair between the applicant and the prosecutrix. The prosecutrix was not minor on the date of incident. The family members of the prosecutrix and the applicant both have negotiated for marriage of the prosecutrix as she has recently delivered a child, therefore,

looking to the future prospects of the prosecutrix, it is prayed that applicant may be enlarged on 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 on the date of incident and therefore, any consent or willingness on her part is immaterial. Hence, prayed that application be rejected.
4. Complainant – Milyanus Lakda is virtually present through District Legal Services Authority, Ambikapur. He has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, this applicant sexually exploited the minor prosecutrix on the pretext of marrying her because of this continuous sexual exploitation, the prosecutrix became pregnant. Thereafter, the FIR has been lodged.
7. Considered on the submissions and the facts present and also the statement of the prosecutrix in the investigation. Further taking into consideration the statement of no objection made by the complainant side and the submissions of the applicant's counsel regarding future prospects of the applicant and the prosecutrix, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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

Balram