

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4490 of 2021

- Satish S/o Ajab Singh, Aged About 23 Years R/o Dehri, Police Station And Tahsil Sonkaksh, District - Dewas (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Outpost Karanji, Police Station Bishrampur, District - Surajpur Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For Non-applicant/State	:	Mr. Shakti Singh, Panel Lawyer.
For Complainant	:	Mr. H.A.P.S. Bhatia, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

14-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 16.05.2021, in connection with Crime No.74/2021 registered at Police Station— Outpost- Karanji, P.S.- Bishrampur, District- Surajpur, C.G. for offence punishable under Sections 363, 366, 376(2- क) of I.P.C. and Sections 5 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of Cr.P.C. clearly shows that she had by herself gone to the place of this applicant and resided with his

family for some time and on no occasion any physical relation has taken place between the applicant and the prosecutrix. As the parents of the applicant did not agree to have the prosecutrix in their house, she was sent to Sakhi Centre and then, the parents of the prosecutrix were informed and the prosecutrix was handed over to them. Therefore, there is no case against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that statement under Section 161 of Cr.P.C. is very clear and categorical against the applicant regarding the commission of offence of rape. The prosecutrix is minor, hence, this application may be rejected.
4. Learned counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the applicant and the prosecutrix became friends on telephone. As the conversation on telephone continued, the applicant expressed his love for the prosecutrix. The prosecutrix then left her parental house on 01.04.2021 and traveled and arrived to the place of the applicant in district- Dewas, M.P. It is alleged that while the prosecutrix stayed for some time with the applicant, the applicant had physical relation with her, knowing well that she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions and the facts and circumstances present in the case. After taking into consideration, the statement of prosecutrix under Section 164 of 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

Monika