

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4652 of 2021

- Satish Lakda, S/o Jataruram, Aged About 23 Years, R/o Argoti Madhi Mahuwa, Post Argoti, Police-Station-Lakhanpur, District Surguja Chhattisgarh Presently Residing At Dhummadand, Police-Station Sonhat, District-Kotiya, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sonhat, District-Kotiya, Chhattisgarh

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State/respondent	: Mr. Anil Tripathi, Panel Lawyer.

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.78/2020 registered at Police-Station-Sonhat, District-Koriya(C.G.) for the offence punishable under Sections 363, 366, 376, 376(2)(ढ), 506, 368 of IPC and Section 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

01.06.2020. There had been an affair between applicant and the prosecutrix. The FIR has been lodged only for the reason that the applicant and prosecutrix were caught together by the sister in law of the prosecutrix. The allegations are totally false. The prosecutrix was not minor and she was a 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 diary statement of prosecutrix and her statement under Section 164 CrPC clearly shows that she was not consenting party and she was also minor, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA, Koriya on 6.8.2021. She had stated that she has no 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 this applicant on pretext of marrying the prosecutrix had forceful physical relation with her on 15.5.2020. After few days, he again abducted the prosecutrix and took her to a jungle, where the incident was discovered by the sister-in-law of the prosecutrix, subsequent to which FIR has been lodged.
7. Considered on the submissions. Taking into consideration the statement of no objection made by prosecutrix herself, 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

Nisha