

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4681 of 2021

- Mukesh Barman, S/o Jaykumar Barman, Aged About 20 Years, R/o Kodapar, P. S. Kharora, District-Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kharora District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.P. Sahu, Advocate.
For State/respondent	: Ms. Akshara Amit, Panel Lawyer.
For Complainant	: Mr. Bharat Lal Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/08/2021

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.125/2021 registered at Police-Station-Kharora, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376(2)(ढ) 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. The statement of

prosecutrix under Section 164 CrPC mentions that the prosecutrix herself left her paternal house and visited the applicant and then married him. The relationship of the applicant with prosecutrix was consensual. There is no case present against this applicant, 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 on the date of incident the age of prosecutrix had been below 16 years, therefore, her consent and willingness is immaterial, hence, the application be rejected.
4. Learned counsel for the complainant submits that complainant 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 the allegation against the applicant is this, that he abducted the minor prosecutrix, kept her in his custody and then exploited her sexually on pretext of marrying her, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions and after considering on the submission of prosecutrix under Section 164 CrPC, I feel inclined to allow the bail 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