

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4602 of 2021

- Rajiv Verma, S/o Sanjay Verma, Aged About 19 Years, R/o Jalso, Police Station- Koni, Tehsil and District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Chowki-Hardibazar, Police-Station-Kusmunda, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate.
For State/respondent	: Mr. Ajay Kumrani, PL for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/09/2021

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.79/2021 registered at Police-Station-Police Chowki-Hardibazar, P.S.-Kusmunda, District-Korba, Chhattisgarh for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 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

16.03.2021. Charge-sheet has been filed. The statement of prosecutrix under Section 164 CrPC shows that she was willing and consenting party as she herself went with the applicant visited places and also had physical relation consensually, therefore, there is no case present against this applicant, hence, 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 was below 16 years, therefore, her consent and willingness is immaterial, hence, the application be rejected.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA Korba on notice. She has stated that she has 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 abducted the minor prosecutrix, kept her in his custody and also had physical relation with her, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement given by prosecutrix under Section 164 CrPC and other circumstances present, 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