

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4857 of 2021**

- Ishwar Vishwakarma, S/o Shri Ravi Vishwakarma, Aged About 22 Years, R/o Village Pathari, P. S. Chura Distt.-Gariyaband, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P. S. Chura Distt. Gariyaband Chhattisgarh

---- Respondent

For Applicant	: Mr. Pragalbha Sharma, Advocate.
For State/respondent	: Mr. Samir Uraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/07/2021**

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.05/2021 registered at Police-Station-Chura, District-Gariyaband(C.G.) for the offence punishable under Sections 363, 366, 376 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 09.01.2021. Charge-sheet has been filed. The statement of prosecutrix under Section 164 CrPC shows, that she was willing and consenting party and also that the prosecutrix was not minor on the date of incident, 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 prosecutrix is minor, therefore, her willingness and consent is immaterial.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of High Court 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 of age about 17 years and 11 months on pretext of marrying her. Subsequent to which, the prosecutrix was kept in his custody and also exploited sexually until the prosecutrix was recovered by the police.
7. Considered on the submissions. After considering the statement of the prosecutrix herself under Section 164 CrPC and circumstances that are 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