

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4831 of 2021

- Bittu @ Balkrishna S/o Shri Gopal Chatri Aged About 26 Years R/o Near Kota Masjid, Masjid Road Police Station Saraswati Nagar District- Raipur Civil And Revenue District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Deen Dayal Nagar Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ajay Mishra, Advocate.

For Non-applicant/State : Mr. Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2021

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 20.02.2020, in connection with Crime No.441/2019, registered at Police Station- Deen Dayal Nagar, Raipur, C.G. for offence punishable under Sections 363, 366 and 376(3) of I.P.C. and Section 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 20.02.2020. Statement of prosecutrix under Section 164 of Cr.P.C. clearly shows that the prosecutrix was in love with the applicant and she felt harassed in her parental house, because of which she herself asked and insisted the applicant to take her from her parental house because

of which the applicant took her. It is also stated that the applicant and the prosecutrix have married and the family of the applicant have accepted the prosecutrix as member of their family. Hence, the case against the applicant is false. 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 the age of the prosecutrix have been below 15 years, therefore, her consent and willingness is immaterial. Therefore, the application may be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then exploited her sexually knowing well that she was minor and unable to give consent. Hence, this case.
7. Considered on the submissions. 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