

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4958 of 2021

- Tarachand Rajwade S/o Shri Shobaran Ram Aged About 35 Years R/o Mendrakhurd, Police Station Gandhi Nagar, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Outpost Karanji, Police Station Vishrampur District Surajpur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sushil Dubey, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-08-2021

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 22.03.2021, in connection with Crime No.67/2021, registered at Police Outpost- Karanji, Police Station- Vishrampur, District- Surajpur, C.G. for offence punishable under Sections 363, 366, 366(A) and 376(2)(n) of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. He is in jail since 22.03.2021. The statement of prosecutrix under Section 164 of Cr.P.C. shows that she was willing and consenting party. Therefore, 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 prosecutrix is minor and therefore, her physical relation by the applicant with her amounts to commission of offence of rape. There is other evidence present to show that the applicant was already married. Hence, this application may be rejected.

4. Prosecutrix was virtually present before this Court on 04.08.2021 and she had made a statement of no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and also exploited her sexually and it is the statement of prosecutrix that she visited the residence of the applicant and resided with him during that period, she had physical relation with the applicant. Hence, this case.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 of Cr.P.C. and other circumstances and also that the prosecutrix herself has no objection, 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