

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4882 of 2021

- Sulendra Minj S/o Late Pithla Aged About 22 Years R/o Village Nandamali, P. S. Darima, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ramkola, District Surajpur Chhattisgarh (Wrongly mention District Surguja in order sheet)

---- Non-applicant

For Applicant : Mr. Sanjay Pathak, Advocate.

For Non-applicant/State : Ms. Shivali Dubey, Panel Lawyer.

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

06-08-2021

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 23.07.2020, in connection with Crime No.10/2020, registered at Police Station- Ramkola, District- Surajpur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 06 of POCSO Act, 2012.
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 23.07.2020. Charge-sheet has been filed. The statement of prosecutrix under Section 164 of Cr.P.C. shows that she was willing and consenting party. The prosecutrix was not minor on the date of incident. 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 in the statement of prosecutrix under Section 161 of Cr.P.C., there is clear allegation of rape against the applicant. Therefore, it is prayed that this application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Surajpur and she has 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, the applicant abducted the minor prosecutrix, kept her in his custody and then he had physical relation with her, knowing well that the prosecutrix was minor and incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 of Cr.P.C. and also that she has no objection in grant of bail to the applicant, 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