

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5000 of 2021**

- Sanjay Aditya, S/o Balram, Aged About 24 Years, R/o Village - Faraswani, Police-Station-Dabhra, District-Janjgir-Champa (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station-Dabhra, District- Janjgir-Champa (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For State/respondent	: Mr. Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/08/2021**

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.203/2016 registered at Police-Station-Dabhra, District-Janjgir-Champa(C.G.) 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 10.01.2020. The statement of prosecutrix under Section 161 & 164 CrPC reflect that she and the applicant both were having an affair and their marriage has also been performed. 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 there is clear allegation of commission of offence of abduction and rape against this applicant and the prosecutrix is minor girl on the date of incident, hence, the application be rejected.
4. Notice issued to the complainant has been returned served on 4.8.2021 but there is not appearance and no representation.
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 16 years and then on pretext of marrying her, he exploited her sexually for some time until she was recovered by the police.
7. Considered on the submissions. Looking to the statement given by the prosecutrix in the investigation, I feel inclined to allow the bail 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