

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4986 of 2021

- Rajesh Baghel S/o Pyarelal Aged About 31 Years R/o Village Dharampura, Police Station Pipariya, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pipariya, District Kabirdham Chhattisgarh

---- Non-applicant

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

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

04-08-2021

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 29.12.2020, in connection with Crime No.323/2020, registered at Police Station— Pipariya, District- Kabirdham, C.G. for offence punishable under Sections 363, 366 and 376(2)(n) of I.P.C. and Sections 4 & 6 of POCSO Act.
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 29.12.2020. The prosecutrix has made a statement under Section 164 of Cr.P.C. about her willingness and consent for relationship with the applicant. The prosecutrix was not minor on the date of incident. Therefore, there is no case present against this applicant. 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 prosecutrix was minor on the date of incident, therefore, her consent or willingness is immaterial. Therefore, it is prayed that his application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Kabirdham and she has no objection in grant of bail to this 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 custody in places and he also had physical relation with her, knowing well that she was not capable of giving a valid consent. As a result of this relationship, the prosecutrix became pregnant. Hence, this case.
7. Considered on the submissions and the facts present in the case and looking to the statement of prosecutrix under Section 164 of Cr.P.C. also that the prosecutrix 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