

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5116 of 2021

- Aman Pani S/o Late Premkanto Pani Aged About 21 Years R/o Nayamunda Jagdalpur, District- Bastar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Bodhghat, District- Bastar, Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2021

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 27.03.2021, in connection with Crime No.71/2021, registered at Police Station- Bodhghat, District- Bastar, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 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. The applicant is in jail since 27.03.2021. The prosecutrix has not made any statement against this applicant under Section 164 of Cr.P.C., therefore, it is prayed that this applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, this application may be rejected.

4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Jagdalpur 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 prosecution case, this applicant allured the minor prosecutrix, abducted her and then he exploited her sexually for some time, until she was recovered by the police. Hence, this case.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of Cr.P.C., I am of this view that this applicant should be granted bail.
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