

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5222 of 2021

- Budman Baghel S/o Chemtutam Baghel Aged About 19 Years R/o Village Heeramandala, Junapara P. S. Kondagaon District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station Bhanpuri District Bastar Chhattisgarh

---- Non-applicant

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

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-09-2021

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 02.05.2021, in connection with Crime No.48/2021, registered at Police Station- Bhanpuri, 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 02.05.2021. The statement of prosecutrix before Child Welfare Committee and under Section 164 of Cr.P.C. mentions about her affair with the applicant which was objected by her parents and that she was driven out from her parental house. She has also stated that she left with the applicant and stayed with him in places but there is no allegation regarding rape against the applicant. The prosecutrix had

appeared before the Sessions Court and made a statement that she has no objection in grant of bail to the applicant but the same was not considered. 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 the age of prosecutrix had been below 18 years and that her statement under Section 161 of Cr.P.C. is clearly against the applicant, therefore, the 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 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 abducted the minor prosecutrix, kept her in his custody for some time and also exploited her sexually, knowing well that she was not capable of giving a valid consent, being a minor. Hence, this case.
7. Considered on the submissions and taking into consideration, the statement of prosecutrix under Section 164 of Cr.P.C. and the other circumstances present, 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