

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5600 of 2021

- Rishabh Rathore S/o Shailendra Rathore Aged About 19 Years R/o Behind Nagar Palika, Ward No. 6, Bhatapara, District Baloda Bazaar Bhatapara Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Prakash Mishra, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, 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 12.06.2021, in connection with Crime No.361/2021, registered at Police Station- Kawardha, District- Kabirdham, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 4 and 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 12.06.2021. The prosecutrix has stated in her statement under Section 164 of Cr.P.C. that she and the applicant knew each other and she had willingly left with the applicant and stayed in Raipur for few days. There is no allegation regarding commission of offence of rape against the applicant in her statement. 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 allegation of rape is present in the statement of prosecutrix under Section 161 of Cr.P.C. and further, she was a minor of age below 16 years, therefore, no case is made out for grant of bail to the applicant.
4. The prosecutrix had virtually appeared before this Court on 03.09.2021 and she had made a statement of 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 abducted the minor prosecutrix, kept her in his custody 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. Looking to the statement that has been given by 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