

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5660 of 2021

- Deepak Das Dewangan S/o Mahajan Das, Aged About 20 Years, R/o Village Umeshpur, Police Station and Tehsil Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Shakti Raj Sinha, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-04-2021 in connection with Crime No.188/2021 registered at P.S. - Surajpur, District Surajpur, Chhattisgarh for the offence under Section 363, 366(A), 376(2) (n) of the IPC and Section 4, 6 of POCSO Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 18-04-2021. The prosecutrix has given statement under Section 164 of Cr.P.C. stating that she herself willingly left with the applicant, she stayed in the house of his aunt until she was recovered. She has also stated that she intends to marry with the applicant and her relationship with the applicant was consensual. Therefore, there is no case present against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clearly against the applicant regarding commission of offence of

abduction and rape. Further, she was minor of age about 16 years. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through the Help Desk of DLSA Surajpur. 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 the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and sexually exploited her knowing well that she was minor and thus incapable of giving consent.

7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. and also that she herself 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