

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5982 of 2021

- Mukesh Dhruv S/o Late Shri Manaram Dhruv Aged About 25 Years R/o Village Lakhasar, P.S. Sakri, District Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge Sakri, District Bilaspur (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Suresh K. Pandey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

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 20.07.2021, in connection with Crime No.286/2021, registered at Police Station- Sakri, District- Bilaspur, C.G. for offence punishable under Section 363, 366 and 376 of I.P.C. and Sections 12 and 04 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 20.07.2021. The prosecutrix was willing and consenting party, which is reflected from her statement under Section 164 of Cr.P.C. earlier the compromise had taken place between the complainant and the applicant, in which it was mentioned that the applicant and prosecutrix both are married, therefore, the complainant side has no objection. This affidavit for compromise was presented before the Sessions Court

during the hearing of the bail application but the same was not considered and the application was rejected. 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 16 years at the time of incident and she has made allegations of rape against this applicant in her statement under Section 161 of Cr.P.C., therefore, the application may be rejected.
4. The complainant is virtually appearance before this Court on 13.09.2021 and objected to 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 exploited her sexually knowing well that she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Looking into consideration, the statement of prosecutrix under Section 164 of Cr.P.C. and the other circumstances present, I feel inclined to grant bail to the applicant.
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