

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6024 of 2021**

- Yogendra Dhiwar, S/o Sundarlal Dhiwar, Aged About 20 Years R/o Asauda, Thana Kharora, Present Address-Chataud, Thana Vidhansabha, District - Raipur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through, SHO Police Station- Vidhansabha, District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Kumar Pandey, Advocate.

For State/respondent : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/09/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.41/2021 registered at Police-Station-Vidhansabha, District-Raipur, Chhattisgarh for the offence punishable under Section 363, 366, 376(2)(I) of IPC and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 12.06.2021. The prosecutrix has clearly stated in her statement under Section 164 CrPC that she loved the applicant and, therefore, she left with him and thereafter after performing marriage she was staying with

him until she was recovered by the police. She has not made any allegation of rape against this applicant, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was of age below 16 years and, further, she has made clear allegation in her statement under Section 161 CrPC, hence, the application be rejected.
4. Notice issued to the complainant has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then by keeping in his custody he has exploited her sexually on more than one occasions.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 CrPC and other circumstances that are present, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge