

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5840 of 2021

- Ravi Dewangan @ Fagu, S/o Rajesh Dewangan, Aged About 20 Years, R/o Village Loharsi , Police Station-Arjuni, District-Dhamtari Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Arjuni, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State/respondent	: Ms. Shivali Dubey, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/09/2021

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.38/2021 registered at Police-Station-Arjuni, District-Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366 & 376-2 of IPC and Sections 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 03.02.2021. The statement of prosecutrix before Child Welfare Committee and under Section 164 CrPC clearly shows, that there had

been some kind of affair between applicant and prosecutrix for some time and on the date of incident, the prosecutrix had herself gone to the house of the applicant and submitted willingly for physical relation which was discovered by her parents, therefore, false FIR has been lodged, hence, 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 prosecutrix was minor on the date of incident of age about 16 years and further her statement under Section 161 CrPC 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 DLSA Dhamtari on notice. She has stated that she has objection in grant of bail to this applicant.
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 and then by keeping her in his custody, he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Taking into consideration the statement given under Section 164 CrPC, I am of this view that this is a fit case for grant of regular bail.
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

Nisha