

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6132 of 2021

- Sunil Kumar Salam S/o Rainu Salam Aged About 23 Years R/o Themali Manjhipara P.S. Farasgaon, District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Farasgaon, District Kondagaon Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2021

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 18.11.2020, in connection with Crime No.124/2020, registered at Police Station- Farasgaon, District- Kondagaon, C.G. for offence punishable under Section 366, 376(2)(n) of I.P.C. and Section 06 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 18.11.2020. The F.I.R. was neither lodged by the prosecutrix nor her parents. The Child Welfare Committee has lodged the F.I.R. The prosecutrix has been examined in the trial and she has very clearly stated that she was living with the applicant as his wife and her relationship was consensual. Therefore, there is no case present

against the applicant. 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 prosecutrix had been minor on the date of incident, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.
4. Notice was issued to the complainant which has been returned served but there is no appearance, no representation from complainant's side.
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 confinement and then he exploited her sexually continuously for some time, knowing well that the prosecutrix is minor and incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions and perused the certified copy deposition of prosecutrix. Taking into consideration, the submissions and the statement of prosecutrix before the Court, 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