

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6218 of 2021

- Rakesh Kumar Shika S/o Kishan Aged About 21 Years R/o Ward No. 11, Nawapara, District Mahasamund (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Chhura, District Gariyaband (C.G.)

---- Non-applicant

For Applicant : Mr. Pawan Kumar Kashyap, Advocate.

For Non-applicant/State : Mr. Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

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 24.09.2020, in connection with Crime No.115/2020, registered at Police Station- Chhura, District- Gariyaband, C.G. for offence punishable under Section 363, 366, 376(2)(अ)(क) 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 24.09.2020. The prosecutrix has given statement under Section 164 of Cr.P.C. mentioning that she by herself had gone with the applicant and stayed in his house for about one month, during which time, she had consensual physical relation with him and she has also stated that she had given incorrect information to the applicant that she is major, hence, there is no case present against this applicant, therefore, this applicant

may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and the diary statement under Section 161 of Cr.P.C. 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 D.L.S.A. Raipur and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and during that time, he had physical relation with her knowing well that she was minor and incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of Cr.P.C. and also that the prosecutrix 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