

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6477 of 2021

- Sonu Dom S/o Shri Amrit Ram Dom, Aged About 22 Years R/o Village Dhekidoli Sitapur, Police Station Sitapur, District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sitapur, District Sarguja Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Rishi Rahul Soni, Advocate
For Non-applicant/State	: Mr. Alok Nigam, Govt. Advocate.
For Prosecutrix	: Mr. Ajeet Kumar Yadav, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2021

Heard.

1. This is the first bail application filed under Section 439 of the Cr.P.C for grant of regular bail to the applicant who has been arrested on 24.04.2021, in connection with Crime No.87/2021, registered at Police Station-- Sitapur, District- Surguja, C.G. for offence punishable under Section 363, 366 and 376(2)(n) of I.P.C. and Section 5(1) and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant has been in jail since 24.04.2021. The statement of prosecutrix under Section 161 of Cr.P.C. as well as under Section 164 of Cr.P.C. shows that she was a willing and consenting party and she herself eloped with the applicant and resided with him for some time and had physical relation consensually. Further, the prosecutrix is not minor, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the age proof present in the case diary, the prosecutrix is minor, therefore, her consent or willingness is immaterial. Hence, the application may be rejected.
4. The prosecutrix is present before this Court along with learned counsel Shri Ajeet Kumar Yadav and she has no objection in grant of bail to the applicant.
5. The complainant i.e. the father of the prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Ambikapur and he has objection in grant of bail to the applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody for some time and then exploited her sexually, knowing well that she was a minor and incapable of giving a valid consent. Hence, this case.
8. Considered on the submissions. Taking into consideration, the statement of prosecutrix given under Section 164 of Cr.P.C. and also that she herself has no objection in grant of bail to the applicant, I feel inclined to allow this application.
9. 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.
10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge