

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6336 of 2021**

- Anand Das, S/o Duryodhan Das, Aged About 22 Years, R/o House No. 115 Ward No. 18 Kodobhata Amlipadar, Police Station Devbhog, District- Gariyaband, Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Amlipadar, District- Gariyaband, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. J.K. Gupta, Advocate.              |
| For State/respondent | : Mrs. Smriti Shrivastava, Panel Lawyer. |

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**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 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.62/2019 registered at Police-Station-Amlipadar, District-Gariyaband, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n) of IPC, under Section 6 of POCSO Act, 2012 & under Section 3(2)(V)(a) of SC/ST Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The statement of prosecutrix under Section 164 CrPC shows that she is willing and consenting party in the relation between her and the applicant and, further, the prosecutrix was not minor on the date of incident, 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 prosecutrix was minor, therefore, her willingness and consent is immaterial.
4. The complainant and the prosecutrix both were present virtually appeared before this Court on 23.9.2021 and they had 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, who is a member of Schedule Tribe and then he kept her in his custody and exploited her sexually until the prosecutrix was recovered by the police.
7. Considered on the submissions. Looking to the statement given by prosecutrix under Section 164 CrPC and the other circumstances 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