

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6374 of 2021

- Shobha Lal, S/o Ramlallu, Aged About 22 Years Caste - Pandro, R/o Mohalla Choukapara, Biarpur, Police Station - Chandani, District - Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Odagi, District - Surajpur, Chhattisgarh

---- Non-applicant

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2021

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 26.07.2021, in connection with Crime No.44/2021, registered at Police Station- Odagi, District- Surajpur, C.G. for offence punishable under Sections 363, 366 and 376(2-n) of I.P.C. and Section 6 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 26.07.2021. The prosecutrix was willing and consenting party according to the statement under Section 164 of Cr.P.C., 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 the prosecutrix was minor of age below 18 years and

further, the applicant has criminal antecedents as he was earlier prosecuted for offence under Section 294 and 506 of I.P.C., hence, this application may be rejected.

4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Surajpur 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody for some time and during that time, he subjected the minor prosecutrix to physical relation knowingly that she is minor and incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances that are present in this case and 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