

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6463 of 2021

- Yashwant, S/o Paltu Ram Nirmalkar, Aged About 24 Years, R/o Village Medesra, Tehsil Durg, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer P.S. Rudri, District : Dhamtari, Chhattisgarh

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate.
For State/respondent	: Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/09/2021

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.29/2021 registered at Police-Station-Rudri, District-Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(अ)(द) of IPC r/w 5(द)/6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 26.06.2021. The statement of prosecutrix under Section 164 CrPC shows that she is willing and consenting party, therefore, there is no

case present against this applicant, hence, 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 of age below 15 years and, further, she has given statement against the applicant under Section 161 CrPC alleging commission of offences of abduction and rape, hence, the application be rejected.
4. The complainant Sangeeta Nirmalkar and the prosecutrix both are present virtually appeared before this Court through the 'Help Desk' of DLSA Dhamtari on notice. They have no 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 the applicant abducted the minor prosecutrix, kept her in his custody and he continuously exploited her sexually on more than one occasions, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement given by prosecutrix under Section 164 CrPC and also that the complainant and prosecutrix both have no objection in grant of bail to the applicant, for these reasons, 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

Nisha