

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6481 of 2021

- Homlal S/o Paraslal Pal Aged About 21 Years R/o Village - Chanderi, Police Station- Simga, District- Balodabazar- Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Simga, District- Balodabazar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Anil Singh Rajput and Mr. Basant
Kaiwartya, Advocate.

For Non-applicant/State : Mr. Amit Kumar Verma, Panel Lawyer.

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 16.07.2021, in connection with Crime No.208/2021, registered at Police Station-- Simga, District- Balodabazar- Bhatapara, C.G. for offence punishable under Section 363, 366 and 376 of I.P.C. and Section 4 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 16.07.2021. The prosecutrix was willing and consenting party, which is reflected from her statement. Further, she was major on the date of incident and at present, the prosecutrix is living with the parents of this applicant. 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, therefore, her willingness and consent is immaterial, hence, it is prayed that this application may be rejected.
4. The prosecutrix is present before this Court on notice and she has no objection in grant of bail to the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then he exploited her sexually, knowing well that being a minor, she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Looking to the statement given by prosecutrix under Section 164 of Cr.P.C. and other circumstances 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