

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6428 of 2021

- Rajendra Kurre S/o Sukhchain Kurre Aged About 22 Years Caste Satnami R/o - Mini Basti, Jarhabhatha, Thana Civil Line Bilaspur, District - Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Thana Prabhari - Thana Civil Line Bilaspur, District - Bilaspur Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Rajendra Kumar Patel, Advocate
For Non-applicant/State	:	Mr. Anil Tripathi, Panel Lawyer.
For Complainant	:	Mr. Shashi Kumar Kushwaha, Advocate.

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 Cr.P.C for grant of regular bail to the applicant who has been arrested on 16.10.2020, in connection with Crime No.716/2020, registered at Police Station-- Civil Line, District- Bilaspur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 04 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 16.10.2020. The F.I.R. lodged against the applicant is totally false. Prosecutrix has been examined in the trial and she has made a clear statement that she and the applicant both had a love affair. They have also married and their relationship was

consensual. Therefore, no case is made out against this applicant. Hence, it is prayed that he may granted bail.

3. Learned counsel the State/non-applicant opposes the application and submits that the prosecutrix is minor of age below 18 years, therefore, her consent and willingness is immaterial, hence, the applicant may not be granted bail.
4. Prosecutrix is present in the Court on notice along with learned counsel Shri Shashi Kumar Kushwaha and she has no objection.
5. I have heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged this applicant abducted the minor prosecutrix kept her in his custody and exploited her sexually. Hence, this case.
7. Considered on the submissions. Perused the certified copy of deposition prosecutrix filed along with the application, I am of this view that the applicant should be granted bail.
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