

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6599 of 2021**

1. Suman Kujur S/o Shri Budhram Kujur Aged About 18 Years
2. Kapil Dev S/o Shri Babulal Uranw Aged About 20 Years

Both are R/o Hanspur, Police Station - Karoundha, District Balrampur-Ramanujganj (Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Karoundha, District-Balrampur-Ramanujganj (Chhattisgarh)

---- Respondent

For Applicant : Shri Rohitashwa, Advocate

For Respondent/State : Shri Arjit Tiwari, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board**16/12/2021**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 01.11.2019 in connection with Crime No. 22/2019 registered at Police Station Karoundha, District Balrampur, Ramanujganj C.G. for the offence punishable under Sections 363, 376(D), 354 (A) (B), 341, 323, 506 of IPC and 4, 7 POCSO.
2. As per the prosecution case on 28.10.2019, the applicant knowing that the prosecutrix is a minor girl, enticed away the girl from the lawful custody of her parents and on the pretext of marriage committed sexual intercourse with her, therefore the offence has been committed.

3. Learned counsel for the applicant submits that the prosecutrix has been examined before the trial court and she has completely disowned the happening of the incident. He further submits that he has also placed the statement of the prosecutrix on record, therefore the present applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. The prosecutrix along with her mother appeared before this court and submitted that they have no objection to grant bail to the applicants.
6. Heard learned counsel for the parties and perused the records.
7. Perusal of the statement of the prosecutrix would show that she has not supported the case of the prosecution and she has completely disown the incident and had submitted before this court that she has no objection in granting bail to the applicants, therefore I am inclined to release the applicants on bail.
8. Accordingly, the application is allowed and the applicants are directed to be released on bail on their executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Goutam Bhaduri)
Judge