

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6698 of 2021**

- Rajkumar Kosle, S/o Ramcharan Kosle, Aged about 20 years, R/o- Parsadih, Police Station- Arang, District- Raipur (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh, through- Station House Officer, P.S.- Palari, District- Baloda Bazar Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Satya Prakash Verma, Advocate.
For State/Respondent	:	Mr. Alok Nigam, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****06/10/2021**

1. Heard.
2. 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. 389/2021 registered at Police Station- Palari, Baloda Bazar Bhatapara (C.G.) for offence punishable under Sections 363 & 366(क) of the IPC and Section 18 of the Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. He is in jail since 30.07.2021. The prosecutrix has willingly gone and resided with

the applicant which is reflected from her statement under Section 164 of the Cr.P.C, therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix was minor of age below 16 years on the date of incident, therefore, her willingness is not material, hence, the application be rejected.
5. The victim is virtually present before this Court today through the Help Desk of the DLSA, Baloda Bazar and she has objection in grant of bail to the applicant.
6. I have heard counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that the applicant abducted the minor prosecutrix of the age below 16 years, kept her in his custody and confinement for about 2 days until she was recovered by the Police. Hence this case.
8. Considered on the submissions. Looking to the facts and circumstances that are present in the case, I am of this view that this applicant should be granted bail during the pendency of trial against him, I feel inclined to allow the application of this applicant.
9. Accordingly, the bail application filed under Section 439 of the 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

Vasant