

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6922 of 2021**

Tarun Dhritlahre S/o Darshan Lal Dhritlahre Aged About 20 Years R/o Village Puchheli, Baherha, Police Station Pathariya, District Mungeli, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Bilha, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri M.K. Miri, Advocate
For the State	:	Shri Sudhir Sahu, P.L.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**01/11/2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No. 16/2021 registered in Police Station Bilha, District Bilaspur (CG) for offence punishable under Section 363, 366, 376 (2)(N) of IPC and Section 3,4 of the Protection of Children from Sexual Offence Act, 2012.
3. As per prosecution story, on 25/01/2021 applicant abducted victim/prosecutrix on pretext of marriage and sexually abused her repeatedly for three days. Victim was recovered from possession of the applicant. On being report lodged by maternal grand father of victim/prosecutrix, FIR under Section 363 was lodged in Police Station Bilha, after her recovery charge-sheet under Section 363, 366, 376 (2)(N) and Section 3, 4 of POCSO Act was filed against the applicant.
4. Counsel for the applicant submits that applicant has not committed

alleged crime, he is innocent and has been falsely implicated in this case. He also submits that victim/prosecutrix was not minor at the time of incident, she herself has left her home and lived for three days with her female friend. He next submits that charge-sheet has been filed, victim/prosecutrix; her father and mother have not supported the case of prosecution at all, applicant is in jail since 28/01/2021, hence he may be released on bail.

5. On the other hand, the State counsel opposes the bail application submitting that it is a case of abduction and repeated rape of minor girl, trial is going on, hence applicant is not entitled to be enlarged on bail.
6. On 20/10/2021 the victim/prosecutrix and her maternal uncle appeared before this Court and submitted that they have no objection if bail granted to the applicant.
7. I have heard learned counsel for the the parties, perused the case diary and Court statement of victim/prosecutrix, her father and mother and also material available on record.
8. Considering the fact and circumstances of the case, the detention period of the applicant, deposition of victim/prosecutrix and her parents given before the trial Court in which they have been declared hostile and also considering the totality of the fact, I feel inclined to allow the bail application. Therefore, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

CC as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE