

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6787 of 2021

- Aakash Singh Dhurve, S/o Nandlal Gond, Aged About 21 Years, R/o Village-Girwani, Raghunathnagar, District-Balrampur, Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Raghunathnagar, District : Balrampur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate.
For State/respondent	: Mr. Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/10/2021

Heard.

1. 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.101/2021 registered at Police-Station-Raghunathnagar, District-Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 14.07.2021. Prosecutrix was not minor on the date of incident and, further, she was a consenting party. The consent of the prosecutrix is

reflected from her conduct as she continued her submission to the applicant and visiting him until she was recovered by the police, hence, there is no case present against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was minor of age below 18 years and secondly she has given clear statement under Sections 161 & 164 CrPC, that she was forcibly raped by the applicant, hence, the application be rejected.
4. Prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA Balrampur on notice. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that the applicant and the prosecutrix were known to each other. It is alleged that on the date of incident when the prosecutrix had been to forest to answer the call of nature, this applicant put vermilion on head of the prosecutrix and forcibly raped her. On the second incident the applicant after putting the prosecutrix under threat abducted her, kept her in his custody in different places and also exploited her sexually. Hence, this case.
7. Considered on the submissions. Taking into consideration the facts and circumstances that are present in this case and also that the prosecutrix herself has no objection in grant of bail to the applicant, I feel inclined to allow the bail application of this applicant.

8. Accordingly, the bail application filed under Section 439 of 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

Nisha