

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6723 of 2021

- Rajendra Karsh, S/o Late Manoj Karsh, Aged About 24 Years, R/o Tilakram, Champa, Police Station and Tahsil Champa, District - Janjgir - Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - S.H.O., Police Station Champa, District - Janjgir - Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Ravindra Sharma and Shri Rakesh Kumar Manikpuri, Advocates.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-07-2021 in connection with Crime No.299/2021 registered at P.S. - Champa, District - Janjgir - Champa, Chhattisgarh for the offence under Section 363, 366, 376(2) (N) of the IPC and Section 4 and 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-07-2021. Charge sheet has been filed. The prosecutrix was not minor. Her relationship with the applicant was consensual. Both of them have married and they are having a girl child. It is also submitted that the prosecutrix is now again pregnant and expecting. Therefore, there is no case present. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.

4. The prosecutrix is present before this Court on notice. She has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 01-09-2019, kept her in his custody and exploited her sexually continuously until she became pregnant and gave birth to a female child. The prosecutrix was later on recovered by the police on 17-07-2021 on the basis of the missing report lodged by mother of the prosecutrix. Hence, this case.
7. Considered on the submissions. Looking to the facts and circumstances that are present in the case and also that the prosecutrix herself has no objection in grant of bail to the applicant, I feel inclined to allow this application.
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