

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7937 of 2020

- Anil Verma, S/o Dharmu Verma, Aged About 21 Years, R/o Village - Dunda, Police-Station and District - Bemetara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - S.H.O. - Bemetra, District - Bemetra, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Gupta, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/01/2021

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.96/2020 registered at Police-Station-Bemetra(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 5(L) & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant and the prosecutrix both were having affair between them. The prosecutrix

was not minor on the date of incident. The applicant intends to challenge the ground of minority of prosecutrix in trial. The statement of prosecutrix under Section 164 CrPC shows, that she was willing and consenting party, therefore, there is no case against this applicant, hence, it is prayed that 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 because of the minority of the prosecutrix any consent or willingness on her part is immaterial. The commission of offence is clearly made out, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that on 9.2.2020 this applicant enticed and abducted the minor prosecutrix of age below 18 years on pretext of marrying her and then after keeping her in his custody, he has exploited her sexually by having physical relation on number of occasions. The prosecutrix came back by herself on 14.2.2020. Subsequent to which, her statement was recorded and the offences have been registered against the applicant.
6. Considered on the submissions and the facts of the case. Looking to the circumstances that are present and the other submissions regarding the strategy of the applicant side to contest the case, I feel inclined to allow the application of this applicant.
7. 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