

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8111 of 2020

- Dinesh S/o Jai Singh, Aged About 21 Years, Occupation Agriculture, R/o Village Nagpur (Mahuapara), P. S. Pondi, Tahsil Manendragarh, District Korea Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Pondi, (P.H.C. Nagpur) District Korea Chhattisgarh

---- Non-applicant

For Applicant – Shri Hemant Kumar Agrawal, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-02-2021

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 26-07-2020 in connection with Crime No.89/2020 registered at Police Station – Pondi (P.H.C. Nagpur), District Korea, Chhattisgarh for the offence under Section 376(2) (n) of the IPC and Sections 4, 6 of the POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. He is in jail since 26-07-2020. The prosecutrix has made false statement against the applicant. However, at present the prosecutrix and her parents have no objection and they have agreed to marry the applicant with the prosecutrix. Therefore, it is prayed that this application be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident the age of the prosecutrix was below 16 years and looking to the allegations in her statement against this applicant, no case is made out for grant of bail.

4. The prosecutrix/complainant is present before this Court on notice. She has stated that she has no objection in grant of bail to this applicant.

5. Heard the submissions made and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant met with the prosecutrix on 10-03-2020 and thereafter the prosecutrix started meeting with the applicant on his call, during which the applicant used to have forceful sexual relation with her which resulted in her pregnancy. The applicant then refused to marry the prosecutrix. Hence, the FIR was lodged.
7. After considering on the submissions and the statement of no objection from the prosecutrix/complainant, 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