

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7936 of 2020

- Rameshwar Sahu, S/o Rajaram Sahu, Aged About 23 Years, R/o Village Semra, Block Chhurra Tahsil, District-Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Mahasamund, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, 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.711/18 registered at Police-Station-Mahasamund, Distirct-Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 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 prosecutrix was not minor on the date of incident. She had willingly accompanied and

resided with the applicant and had physical relation with him after performing marriage with him. The prosecutrix was of age above 18 years according to the her date of birth recorded in Adhar Card, hence, the applicant intends to challenge the ground of minority of prosecutrix in trial. It is also submitted that the prosecutrix and her parents have filed affidavit in support of this application for grant of bail, therefore, 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 this applicant enticed and abducted the minor prosecutrix on 23.11.2018. Her father Manharan Banjare lodged a report on 6.12.2018 subsequent to which the prosecutrix was recovered by the police on 8.10.2020. According to the statement given by her, the other offences have been registered against the applicant.
6. Considered on the submissions and the facts of the case. The affidavit as mentioned in the submissions, has been filed along with the petition, therefore, under these circumstances I feel inclined to allow this application.
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