

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8005 of 2020

- Mohan Tati S/o Shrawan Tati Aged About 27 Years, Resident of near Nag-Nagin Talab, Atal Awas Bahtarai, Police Station - Sarkanda, District - Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through it's Police Station Sarkanda, District - Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Ravi Maheshwari, Advocate.

For Non-applicant/State – Mr B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-01-2021

1. The prosecutrix is present before this Court along with counsel Ms. Kunti Singh Pawar who has identified the prosecutrix.
2. 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.727/2020 registered at Police Station – Sarkanda, Civil and Revenue District- Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 3, 4 of POCSO Act.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No such incident has happened as it is alleged in the prosecution case. The prosecutrix herself is present before this Court to make statement of no objection. The applicant is in jail since 26-07-2020 and further the charge sheet has already been filed. Therefore, it is prayed that the applicant may be granted bail.
4. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has given categorical statement against the applicant in investigation and her age was only about 15 years and 6 months

on the date of incident. Therefore, no case is made out for grant of bail to the applicant.

5. The prosecutrix is present before this Court along with the counsel and makes submission that she has no objection in grant of bail to the applicant and she has also made other statements which is not needed to be recorded in this order.

6. Heard learned counsel for the parties and perused the case diary.

7. According to the prosecution case, it is alleged that this applicant who happened to be husband of the elder sister of the prosecutrix abducted her on 25-07-2020 and then he kept her in confinement in his custody for some days until she was recovered on 01-08-2020. It is alleged that in between, the applicant has exploited the minor prosecutrix by having physical relation with her.

8. Considered on the submissions and the facts present in the case. There is diary statement of the prosecutrix against the applicant, however, the MLC report does not show any definite opinion. Apart from that, there is statement of no objection from the prosecutrix side herself. Therefore, I feel inclined to allow this application.

9. 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge