

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8228 of 2020

- Sunil Rajwade S/o Budhram Aged About 20 Years (Wrongly Mentioned As 55 Years) R/o Village Ragda, Police-Station-Surajpur, Tahsil Bhaiyathan, District-Surajpur(Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Surajpur, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/01/2021

Heard.

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.370/2020 registered at Police-Station-Surajpur, Distirct-Surajpur(C.G.) for the offence punishable under Sections 363, 366 & 376(2)(ॢ)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 statement of prosecutrix under Section 164 CrPC shows, that she was major on the date of incident. Further, she has admitted about the affair and marriage with the applicant. False FIR has been lodged by the father

of the prosecutrix. No case is made out against the applicant, hence, it is prayed that he 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 according to proof of date of birth of the prosecutrix present in the case diary, she was minor on the date of incident, therefore, any willingness and consent on her part is of no consequence, hence, the 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 the applicant and the prosecutrix both were having affair between them. It is alleged, that on 12.6.2020 this applicant abducted the minor prosecutrix and performed a marriage and then also had physical relation with her for some time until she was recovered by the police.
6. Considered on the submissions and the facts present in the case. Looking to the statement that has been given by the prosecutrix under Section 164 CrPC and other circumstances present, 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

