

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8234 of 2020

- Anand Joshi, S/o Ganesh Joshi, Aged About 18 Years, R/o Riko Road, Jay Stambh Chowk, Police-Station-Mandir Hasaud, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Nand Kumari Kashyap, 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.290/2020 registered at Police-Station-Mandir Hasaud, Distirct-Raipur(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 8 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 has very clearly given statement under Section 161 & 164 CrPC mentioning that no incident has occurred and there is no allegation of commission of any offence by this applicant, hence, it is prayed that

the 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 the complaint has been made by the father against of the prosecutrix against this applicnat on which basis the offence under Section 363 of IPC is registered. Subsequent to which the prosecutrix has been recovered from the house of the applicant, hence, the applicant is not entitled for grant of bail.
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 minor prosecutrix aged about 16 years and 1 month was abducted by this applicant and then she was exploited sexually by keeping her in his custody 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 Sections 161 7 164 CrPC, 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