

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8478 of 2020

- Suresh Kumar Dhritlahre, S/o Late Mohan Lal Dhritlahre, Aged About 20 Years R/o - Village - Parsulidih, Police Station - Abhanpur, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Police Station - D.D. Nagar, Raipur District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Dashrath Kushwaha, Advocate.

For Respondent/State : Mr. Adil Minhaj, Govt. Advocate.

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

19/01/2021

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.64/2020 registered at Police-Station-D.D. Nagar, Raipur, Distirct-Raipur(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 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 a marriage has also been performed. The prosecutrix has given statement under Section 164 CrPC that she wants to live with this applicant. Therefore, no case is made out against this 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 on the date of incident the prosecutrix was of age only about 16 years, therefore, any willingness and consent on her part is of no consequence. The act of the applicant amounts to commission of offences of abduction and rape, 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 on 6.2.2020 the applicant abducted the minor prosecutrix, then performed a sham marriage with her. Subsequent to that the applicant kept the prosecutrix in his custody for some days. During which, he exploited her sexually by having physical relation with her. The prosecutrix was then recovered on 22.2.2020.
6. Considered on the submissions and the facts present in the case. Looking to the statement of 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

Nisha