

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8479 of 2020

- Bhupendra Aadil S/o Ram Kumar Aadil Aged About 21 Years R/o Village Chhanta, Police Station- Gobra Nava- para, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Gobara Nava- para District Raipur, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Non-applicant/State	:	Ms. Shivali Dubey, P.L.
For objector	:	Mr. Vinod Kumar Ajay, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 12.10.2020, in connection with Crime No.341/2020 registered at Police Station—Gobra, Navapara, Raipur, Civil & Revenue District- Raipur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further, the statement of prosecutrix in the investigation discloses that she was willing and consenting party, therefore, there is no case against the applicant. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor on the date of incident,

therefore, any consent or willingness on her part is immaterial.

Therefore, it is prayed that the application may be rejected.

4. The prosecutrix is present-in-person before this Court along with learned counsel Mr. Vinod Kumar Ajay and she has made statement of no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody, he exploited her sexually on pretext of marrying her. Hence, this case.
7. Considered on the submissions which has been stated by the learned counsel for the applicant and the prosecutrix herself that they both have performed marriage and a certificate of marriage given by Arya Samaj Mandir has also been produced in support of this statement, hence, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge