

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8405 of 2020**

- Anant Raj @ Dadu Kosre, S/o Jethu Ram Kosre, Aged About 18 Years, R/o Minimata Nagar Newai P.S. Newai, Tehsil and District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The District Magistrate, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For State/respondent	: Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/01/2021**

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.282/2020 registered at Police-Station-Newai, District-Durg(C.G.) for the offence punishable under Sections 363, 366 & 376(2)N of IPC and Sections 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 applicant is in jail since 30.10.2020. The prosecutrix was not minor on the date of incident. The prosecutrix has herself stated in her statement under Section 161 CrPC that she invited the applicant and went with him to

places. She has attained majority during that period and it is after that she and the applicant both have performed marriage and, therefore, their physical relation does not amount the rape, therefore, 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 age of prosecutrix was below 18 years on the date of incident, therefore, no case is made out for grant of bail to the applicant.
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 this applicant abducted the minor prosecutrix of age 17 years 11months and 20 days then by keeping her in different places in his custody he has exploited her sexually.
6. Considered on the submissions and the facts present in the case and after looking to the statement of prosecutrix under Sections 161 & 164 CrPC, I feel inclined to allow the bail 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