

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8514 of 2020

- Bhupendra Sandilya, S/o Pradeep Sandilya, Aged About 25 Years R/o Village Chermunda, Police-Station-Dhourpur, District-Surguja Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Dhourpur, District-Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anurag Singh, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, 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.09/2020 registered at Police-Station-Dhourpur, District-Surguja(C.G.) for the offence punishable under Sections 363, 366 & 376(2)(ॢ) of IPC and Section 5(ॢ) & 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. The statement of the prosecutrix under Section 164 CrPC reveals that she was willing and consenting party, who resided with the applicant continuously for about 3 months until she was recovered by the police, therefore, 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 on the date of incident the prosecutrix was of age below 18 years, therefore, any willingness and consent on her part is of no consequence. The act alleged against 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 the applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody he forcefully subjected her to physical relation on numerous occasions. Hence, this case.
6. Considered on the submissions and the facts present in the case. After 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