

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8778 of 2020

- Sunil Agariya S/o Sitaram Agariya Aged About 22 Years R/o Village Pathrayi Police Station Batouli District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Sitapur District Surguja Chhattisgarh

---- Non-applicant

For Applicant : Mr. Nishi Kant Sinha, Advocate.

For Non-applicant/State : Ms. Anjali Singh Chouhan, Panel Lawyer.

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

01-03-2021

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 01.11.2020, in connection with Crime No.177/2020 registered at Police Station-- Sitapur, District- Surguja, C.G. for offence punishable under Sections 363, 366-A and 376(2)(N) of I.P.C. and Sections 05 and 06 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. There had been an affair of the applicant with the prosecutrix because of which the prosecutrix willingly went to reside with the applicant, thrice. The father of the prosecutrix being annoyed by this, has lodged false F.I.R. against the applicant. The applicant is in jail since 01.11.2020. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor, therefore, any willingness or

consent on her part is immaterial, therefore, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix for the first time on 28.06.2020, then, the prosecutrix was brought back on the next day by her parents. The applicant then again abducted her on 03.07.2020 and then, the prosecutrix was kept in his custody for about 02 and a half months. Again the parents of the prosecutrix brought her back. Lastly, the prosecutrix was abducted again by this applicant on 26.10.2020. Subsequent to which, the F.I.R. has been lodged. Hence, this case.
6. Considered on the submissions and also the statements that have been given by the prosecutrix under Section 161 and 164 of Cr.P.C., and I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge