

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9399 of 2020

- Ajit Beck S/o Kunjram Beck Aged About 20 Years, R/o Village Barpali, Bagichapara, Chowky-Rairumakhurd Tahsil Dharamjaigarh District Raigarh Civil and Revenue District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Raigarh District Raigarh Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashutosh Mishra, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-10-2020 in connection with Crime No.172/2020 registered at Police Station – Dharamjaigarh, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 368, 376 of the IPC and Section 5(1), 6 and 17 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant is in jail since 20-10-2020. The statement of the prosecutrix under Section 164 of the Cr.P.C. reveals that the prosecutrix was a willing and consenting party. Therefore, no case is made out against the applicant. Hence, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial, otherwise, there is evidence present against the applicant regarding commission of offences registered against him. Hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that the applicant on pretext of marrying

the prosecutrix abducted her, kept her in his custody and also exploited her sexually knowing well that she was not capable of giving consent.

6. Considered on the submissions. After taking into consideration the statement of the prosecutrix given under Section 164 of the Cr.P.C., I feel inclined to allow this application.

7. Consequently, this application filed by the applicant 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 one surety 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