

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9214 of 2020

- Pappu Netam, Son Of Late Kurso Netam, Aged About 19 Years, Resident of Village- Balikonta Police Station - Parpa, Tehsil- Jagdalpur, District- Bastar (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, P.S.- Frezarpur, Jagdalpur, District- Bastar (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Manish Nigam, Advocate.
For Respondent/State	:	Mr. Afroz Khan, Panel Lawyer.

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

18/03/2021

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.266/2020 registered at Police-Station-Frezarpur, Jagdalpur, District-Bastar(C.G.) for the offence punishable under Section 363, 366 A, 376 of IPC and Section 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 applicant and the prosecutrix both have affair, because of which both of them eloped and their relation was consensual. No case is made out against this applicant,

therefore, 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 looking to the material present in the case diary, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is submitted that this applicant abducted the minor prosecutrix and subjected her to rape.
6. Considered on the submissions. After taking into consideration the statement of the prosecutrix given under Section 164 CrPC, 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