

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9163 of 2020

- Rakesh Kumar Deshlahre S/o Fatturam Deshlahre, Aged About 21 Years, R/o Village and Post Murmunda Bhathapara Police Station Nandini Nagar District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Avinash Chand Sahu, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, Panel Lawyer.

Mr. Shikhar Sharma, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-02-2021

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 03-10-2020 in connection with Crime No.217/2020 registered at Police Station – Nandini Nagar, District Durg, Chhattisgarh for the offence under Section 363, 366 (A), 376 (2)(N) of the IPC and Sections 5 (क), 6 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No such incident has occurred as is alleged by the complainant. The applicant is in jail since 03-10-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident the prosecutrix was of age below 16 years and further, according to her statement the offences of abduction and rape are made out against the applicant. Therefore, the application may be rejected.

4. Complainant Shyamlal is present before this Court through counsel Shri Shikhar Sharma. He has stated that he has no objection in grant of bail to the

applicant.

5. Heard the submissions made and perused the case diary.

6. The case of the prosecution is this, that the applicant abducted the minor prosecutrix on pretext of marrying her and then by keeping her in his custody he has exploited her sexually on numerous occasions until she was recovered by the police.

7. Considered on the submissions and looking to the statement that has been made by the prosecutrix in the investigation and the statement of no objection made by the complainant side, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge