

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9531 of 2020

- Sagar Sethiya, S/o Santo @ Santram Sethiya, Aged About 19 Years, R/o Sundipara, Village-Raykot, Police-Station-Kodenar Tehsil Jagdalpur, District-Bastar, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Manish Nigam, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. Advocate.
For Complainant	:	Mr. Sumit Singh, Advocate.

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

19/03/2021

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.149/2020 registered at Police-Station-Bastar, Jagdalpur, District-Bastar(C.G.) for the offence punishable under Section 363, 366, 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 had

willingly accompanied, resided and had physical relation with the applicant. The prosecutrix was not minor on the date of incident, therefore, there is no case 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 the statement of the prosecutrix given under Section 161 & 164 CrPC clearly shows that she was abducted and forcefully ravished by this applicant, therefore, there is no case made out for grant of bail to the applicant.
4. Mr. Sumit Singh, Advocate along with the complainant Ganesh Sethiya and the prosecutrix submits that the complainant and the prosecutrix both have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is submitted that on the date of incident, this applicant offered the minor prosecutrix for taking her to a ride and then without her willingness he took her to his own house where he kept her in his confinement for some time and also exploited sexually until she recovered by the police.
7. Considered on the submissions. Taking into consideration the statement of no objection made by complainant, I feel inclined to allow the application of this applicant.
8. 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