

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9390 of 2020

- Tej Kumar Kispotta, S/o Salik Ram, Aged About 28 Years, Caste Uranw, R/o Vill.- Aamadol, Thana Kapu, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Pathalgoan, District : Jashpur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Jitendra Shukla, Panel Lawyer.

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

02/03/2021

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.206/2020 registered at Police-Station-Pathalgaon, Distirct-Jashpur(C.G.) for the offence punishable under Sections 363, 366, 343, 376(2) of IPC, Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix left her parental home because of the arguments with her parents and she called the applicant to took her to provide with a shelter. The prosecutrix was not minor on the date of incident and, further, the relationship of the applicant with the prosecutrix was consensual,

hence, there is no case against the applicant. Therefore, it is prayed that applicant 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 prosecutrix was minor on the date of incident of age below 18 years, therefore, any willingness and consent on her part is of no consequence. No case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that the prosecutrix went missing on 22.9.2020. A missing report was lodged on 26.9.2020. The prosecutrix was then recovered on 28.9.2020 and gave statement about residing with the applicant and having physical relationship with the applicant. As the prosecutrix was minor, hence, the offences were registered against the applicant.
6. Considered on the submissions. After looking to the statement under Section 164 CrPC and also the other circumstances present, 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

