

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9517 of 2020

- Dharmendra Anant @ Munchu, S/o Firat Das, Aged About 22 Years, R/o Village Paraswani, P.S. Bhatapara, District-Baloda Bazar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.Khamtarai, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Satyendra Srivas, Advocate.
For Respondent/State	:	Mr. Adil Minhaj, Govt. 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.480/2020 registered at Police-Station-Khamtarai, District-Raipur(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 was not minor and the relationship of the applicant and prosecutrix was based on consent. They have also performed marriage, hence, there is no case against this 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 prosecutrix was minor of age below 18 years, therefore, her consent and willingness is of no consequence, therefore, there is no case made out for grant of bail to the applicant.
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 on pretext of marrying her then he performed a sham marriage with her in a temple and by keeping her in his custody he exploited her sexually knowing well that she was not capable to give valid consent for such relationship.
6. Considered on the submissions. Looking to the statement given under Section 164 CrPC and 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