

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 162 of 2021

- Sumit Nayak S/o Shri Santosh Nayak, Aged About 22 Years, R/o Atal Niwas Sun City, Police Station Kotwali, Lalbagh Jagdalpur, Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Parpa, District Jagdalpur, Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Mr. Ishan Verma, Advocate.

For State/Non-applicant – Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-03-2021

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 17-01-2020 in connection with Crime No.11/2020 registered at Police Station – Parpa, District - Jagdalpur, Bastar, Chhattisgarh for the offence under Section 363, 376 (2)(ॢ) of the IPC and Section 6 of POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant is in jail since 17-01-2020. The prosecutrix was a willing and consenting party which is reflected from her statement under Section 164 of the Cr.P.C. Therefore, it is prayed that this applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, any willingness or consent on her part is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody for some time and then exploited her

sexually knowing well that she was not capable of giving consent.

6. Considered on the submissions. After looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances present, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge