

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9537 of 2020

- Munshi @ Krishna Lodhi S/o Ramsay Lodhi, Aged About 25 Years, R/o Village Godri, P.S. Khairagarh District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri B.P. Singh, Advocate.

For Non-applicant/State – Shri Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-03-2021

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 22-09-2020 in connection with Crime No.26/2018 registered at Police Station – Nandini Nagar, District Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 5 (२), 6 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor. The entry in the school register shows that she was of 14 years, whereas, the report of Radiologist shows her age to be 15 to 16 years and then the prosecutrix has herself stated in her statement under Section 164 of the Cr.P.C. that her age is 19 years. The statement of the prosecutrix herself reveals that she had willingly gone with the applicant to places and resided with him as his wife. Therefore, she was a consenting party. The applicant is in jail since 22-09-2020. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was clearly minor of age below 16 years, therefore, any willingness and consent on her part is immaterial. Hence, the

application may be rejected.

4. Dharminbai, mother of the prosecutrix is present on notice, who is complainant. She has no objection in grant of bail to the applicant.

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

6. The prosecution case is this, that this applicant abducted the minor prosecutrix, took her to places in Gujrat, kept her in his custody and exploited her sexually.

7. Considered on the submissions. After looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and the statement of no objection made by the complainant, 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