

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9540 of 2020

- Lachindhar Kashyap, S/o Motiram Kashyap, Aged About 19 Years, Caste-Muriya, R/o Village Navagaon, Thana-Parpa, District-Bastar, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Kodenaar, District-Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, 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.76/2020 registered at Police-Station-Kodenaar, 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 relationship of the applicant and the prosecutrix was consensual and, further, the prosecutrix was not minor on the date of incident, therefore, there is no case against this applicant, therefore, 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 prosecutrix was minor of age 16 years and 5 months on the date of incident and the her statement under Section 161 CrPC reveals about the offence committed by this applicant, hence, 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, kept her in his custody and exploited her sexually knowing well that she was not capable to give valid consent for such relationship.
6. Considered on the submissions. After taking into consideration the statement of prosecutrix under Section 164 CrPC, 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