

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9039 of 2021**

Harjeet Gond S/o Prahalad Gond Aged About 21 Years R/o Tulsi,
Police Station And Tahsil Patan, District Durg Chhattisgarh. ---

Applicant**Versus**

State of Chhattisgarh through Police Station Magarlod, District
Dhamtari Chhattisgarh. ---

Respondent

For the applicant : Mr. Dashrath Kushwaha, Advocate.

For the Respondent : Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 189/2021 registered at Police Station Magarlod, District Dhamtari (C.G) for the offences punishable under Sections 363, 366, 376 & 34 of IPC and sections 4 & 6 of the POCSO Act.
2. As per the prosecution case, on 28.07.2021 the applicant knowing fully well that the victim was minor girl allured her on the pretext of marriage and kept her in his house and committed forcible sexual inter course, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the age of the prosecutrix on the date of incident is 17 years and six months and she was already nearing 18 years. He submits that the victim was in lover affairs with the applicant and she has voluntarily accompanied the applicant and no forcible

rape has been committed. He further submits that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 28.08.2021, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Earlier on 10.12.2021 the victim along with her mother appeared through video conferencing from DLSA Dhamtari and submitted that she has no objection to grant of bail to the applicant despite the objection of her mother.
6. Considering the fact that no objection has been made by the victim t and further primarily looking to the age of the the prosecutrix as she was nearing the age of 18 years as also the fact that the charge sheet has been filed and the applicant is stated to be in jail since 28.8.2021, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**