



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5065 of 2023

- Shubham Rao S/o Shyam Singh Rao Aged About 27 Years R/o Police Station - Gopalpur, District - Sehare (Madhya Pradesh)

--- Applicant.

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Jamgaon District Durg Chhattisgarh

--- Respondent.

CAUSE TITLE DOWNLOADED FROM CIS PERIPHERY

For Applicant : Mr. Kishore Naryan, Adv.
For Respondent/State : Ms. M. Asha, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

19.07.2023

This application under Section 439 Cr.P.C. for grant of bail has been filed by the accused/applicant who has been arrested on 07.05.2023 in connection with Crime No.28/2022 registered at Police Station Jamgaon (R), Durg for the offence punishable under Sections 363, 366 (a), 376 & 376 (2) (n) of the IPC and Sections 4 & 6 of the POCSO Act, 2012.

2. Allegation against the accused/applicant is that, he abducted the minor prosecutrix from the lawful guardianship and committed rape with her several times, due to which, she got pregnant.

3. Learned counsel for the applicant submits that applicant is innocent and he has falsely implicated in the crime in question. He further submits that prosecutrix and applicant have peacefully married to each other 15.08.2022 and on the date of marriage the



prosecutrix was major. He also submits that prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution and clearly stated that she want to live with the husband and not want any action against the applicant. However, due to family pressure, false FIR has been lodged against the applicant. Even during the hearing of bail application before the Court below prosecutrix did not raised any objection however, her mother has raised objection for granting bail. He also submits that the applicant is languishing in jail and conclusion of the trial is likely to take some more time. He also submits that the applicant would abide by all terms and conditions imposed on him while granting bail. Therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the submission. However, she does not dispute the contention in respect of the prosecutrix' statement.

5. Having considered the submission of learned counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation, statement of the prosecutrix, further considering the period of pretrial detention of the applicant, without commenting anything on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, this application is **allowed**. It is directed that on applicant's furnishing a personal bond in the sum of **Rs.25,000/-** with **one** surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail, on the



following conditions:-

- (a) he shall make himself available for interrogation by a police officer as and when required,
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (c) he shall not involve himself in any offence of similar nature in future.

Sd/-
(Deepak Kumar Tiwari)
Judge

Ajay

