

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6972 of 2015

- Rahul Mandal S/o Ashutosh Mandal Aged About 18 Years R/o
4 Block, Mana Camp, P.S. - Mana, Civ : & Rev : Distt : Raipur
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : P.S. Mana Camp. Civ : &
Rev : Distt : Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Devershi Thakur, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 179 of 2015 registered at P.S. Mana Camp, Distt. Raipur (C.G) for the offence punishable under Section 363, 366, 376 (2) (j)(h) of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution, the applicant on the pretext of performing marriage with the prosecutrix who was a minor committed forcible sexual intercourse in the night of 29.09.2015 and thereafter, the report was made and after investigation, charge sheet has been filed.
3. Learned counsel for the applicant submits that the applicant and prosecutrix were in love affairs and the prosecutrix herself was in the company of the applicant because they were seen together while roaming around and due to exertion of pressure by the community, the report was lodged. He further submits that the applicant has been

falsely implicated in this case. It is also submitted that the charge sheet in this case has been filed and the applicant is in jail since 01.10.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary and documents as also the statement recorded u/s 164 Cr.P.C., wherein the prosecutrix has stated that she herself accompanied the applicant and as the applicant and prosecutrix were seen by some people while they were roaming around, the report was made due to exertion of pressure of the Society.
6. Taking into such statement and the way in which the offence is alleged to have been committed and considering the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 01.10.2015, I am inclined to release the applicant on bail.
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. He shall also appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**