

NAFR

HIGHCOURT OF CHHATTISGARH, BILASPUR
M.Cr.C. 137 of 2018

- Manoj Kumar Dewangan S/o Devnarayan Panika, Aged About 19 Years R/o Jaurahi, P. S. Raghunath Nagar, District Balrampur Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Raghunath Nagar, District Balrampur Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi,
Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.03.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 17/2017, registered at Police Station – Raghunath Nagar, District – Balrampur, (C.G), for the offences under Section 363, 366, 376 (2) (द) of the Indian Penal Code and Section 5 (ठ), 6 of the Protection of Children From Sexual Offences Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 25.05.2017. The prosecutrix in this case is major, her age is above 18 years and she was consenting party. Apart from that she has given statement under Section 164 of Cr.P.C that no physical relation has taken place between them during the time when she stayed with this applicant, therefore, no case is made out against the present applicant, on the basis of statement given by her, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that the age of prosecutrix on the date of incident was below 18 years, she was abducted by the present applicant and exploited sexually by him, hence, no case is made out for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The allegations against this applicant is that on 22.01.2017, the prosecutrix went with him. After making some inquiry, father of the prosecutrix lodged FIR against this applicant, alleging that he had abducted her daughter, thereafter, on 24.05.2017 the prosecutrix was recovered from the custody of this applicant. On the basis of statement under Section 161 of Cr. P.C, given by the prosecutrix, the case has been registered against this applicant.
6. Considering the submissions made, and the material present in the case diary showing that the present applicant and the prosecutrix performed marriage and the documents of the said marriage are part of the charge-sheet, further the prosecutrix has given the statement under Section 164 of Cr.P.C., stating that no physical relation has taken place between them, hence, looking to the facts and circumstance of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
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