

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2005 of 2018**

Kailash Mandal, S/o. Shri Prafull Mandal, Aged About 25 Years, R/o.- Block No. 4, Mana Camp, Post Office and Police Station- Mana Camp, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station- Mana Camp, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For State/respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.98/2017, registered at Police Station – Mana Camp, Raipur, District – Raipur (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4/6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 24.01.2018. Prosecutrix in this case is a minor girl of aged about

18 years. The prosecutrix and the applicant had love affair and they have performed marriage on 02.06.2017. Subsequent to which, the prosecutrix is residing in the house of this applicant with other family members, whereas this applicant is in jail. Hence, it is prayed that the applicant may be enlarged on 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 according entry of date of birth in the school register, age of the prosecutrix was merely 15 years on the date of incident, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix had love affair. On the date incident, the applicant abducted the minor prosecutrix and has raped her. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also considering the statement of the prosecutrix recorded under Section 164 of Cr.P.C., in which she has stated that her age is above 18 years and she is married to this applicant and similar statement has been given by the father and mother of the prosecutrix under Section 161 of Cr.P.C., hence under this circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram