

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2230 of 2018**

Mangluram Chakradhari, S/o. Kashiram, Aged About 40 Years, R/o.- Village-Siwar, P.S.- Berla, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station- Mandir Hasaud, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.Naha Roy, Advocate

For State/respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/05/2018**

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.150/2016, registered at Police Station – Mandir Hasaud, District – Raipur (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code, Section 3 (2) (V) of the SC & ST (Prevention of Atrocities) Act, 1989 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. Applicant is in jail since 13.12.2016 and the trial against him is still not completed. Prosecutrix

has been examined before the concerned trial Court has made clear statement that she had love affair with the applicant and she has also admitted that she and the applicant had married in temple. This applicant is ready to accept the prosecutrix as his wife, 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 the age of the prosecutrix on the date of incident was below 18 years, hence consent given by her is immaterial. 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. As per the prosecution case, the applicant abducted the minor prosecutrix and took her to Lucknow, where he established physical relationship with her on number of occasions because of which, the prosecutrix became pregnant. FIR was lodged by the father of the prosecutrix against unknown person regarding abduction of his daughter. After recovery of the prosecutrix on the basis of her statement, offence has been registered against this applicant.
6. Considered on the submissions made, the contents of the case diary and all the material present in the case diary and looking to the fact that time of more than one year has been passed while applicant is in detention but the trial against the applicant is not yet completed. Hence, only for the reason of delay in trial against him, 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