

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4567 of 2018

- Rupesh Kumar Mahilang S/o Samaru Mahilang, Aged About 22 Years, R/o- Ghasidas Nagar, Atal Awas, House No.81, P.S. Jamul, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Jamul, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Praveen K. Dhurandhar, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-02-2018 in connection with Crime No.11/2016 registered at P.S. - Jamul, District- Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 14-02-2018. No case is made out against him. The prosecutrix in this case is of more than 18 years of age and she was a consenting party and she has even stated in her Court statement that she had married with this applicant. Hence, it is prayed that this applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the prosecution case, the prosecutrix was minor on the date of incident, hence, any consent or statement about marriage is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, this applicant abducted the minor prosecutrix and subjected her to physical relation with him. Hence, this case.
6. Considered on the material present in the case diary and also there is certified copy of the deposition of the prosecutrix before the trial Court, in which she has stated her age about 25 years and also she was a consenting party in physical relation with the applicant, because of which, she has been declared hostile by the prosecutor. Hence, looking to this change in circumstances, I am of this view that this applicant should be granted regular bail during pendency of the trial against him.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge