

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7771 of 2017

- Ramkrishna Mandal @ Chotu S/o Shivpad Mandal, Aged About 22 Years R/o Kamlapur Aragahi, Police Station Ramanunjnagar, District Balrampur Ramanujanj Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jainagr, District Surajpur Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Respondent : Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/01/2018

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.52/2017, registered at Police Station– Jainagar, District– Surajpur(C.G.) for the offence punishable under Sections 363, 366, 376, 368, 506, 342, 120-B & 324 of Indian Penal Code (for short 'IPC') and Sections 4 & 6 of the POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant and the prosecutrix had love affair between them because of which the prosecutrix willingly accompanied the applicant and stayed in various places where they had consensual physical relation. The age of prosecutrix was above 18 years, on the date of incident and the

prosecution reliance on school register, is not a conclusive evidence. It is further submitted, that the co-accused persons in this case have been granted bail by the co-ordinate Bench of this Court. Hence, it is prayed that applicant may also be released on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the age of prosecutrix on the date of incident was below 18 years. Hence, it is a clear case of abduction and rape because of which applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On 15.02.2017 a written complaint was submitted at PS-Jainagar by the prosecutrix stating that on 26.12.2016 applicant called her on mobile phone and asked her to come out to meet his sister and brother-in-law, thereafter, putting her under threat, she was abducted by the applicant with the aid of other co-accused persons. Applicant took the prosecutrix to various places and while staying there, he committed forceful sexual intercourse with her on various occasions. Prosecutrix was released from confinement by the applicant and co-accused persons then she has appeared and made a complaint.
6. Considered the submissions made and contents of the case diary, also perused the documents attached with the petition. The co-accused persons in this case have been granted regular bail as well as anticipatory bail. Also considered on all the material produced in the case diary. Taking into consideration all the facts and circumstances of this case, I am of this view that applicant should be released on bail during the pendency of trial.

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

Nisha