

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3400 of 2019**

Shanidas Mahant S/o Late Shri Manidas Mahant Aged About 32 Years R/o Village Koliha Devri, P.S. Baloda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through PS Urga, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sourabh Sharma, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.07.2019**

Heard.

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.295 of 2018, registered at Police Station – Urga, District – Korba, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.2.2019 and has been falsely implicated in this case. The prosecutrix has later on made a statement under Section 164 of the Cr.P.C. before Judicial Magistrate in which she has not leveled any allegation against the

applicant, she has clearly stated that she willingly accompanied with the applicant to different places and stayed for sometime hence, there is no allegation of commission of offence of rape. Therefore, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix is a minor girl of age below 18 years. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. FIR has been lodged against the applicant alleging that he has abducted the minor prosecutrix, taken to different places where both of them stayed together. During that stay, the applicant has sexually exploited the minor prosecutrix which amounts to offence of rape.

6. After considering the material present in the case-diary and also considering the fact that the statement of the prosecutrix under Section 164 of the Cr.P.C. which has been made as aforementioned, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge