

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3578 of 2019

Manbodh, S/o. Goutam Chouhan, Aged About 20 Years, Occupation Agricultural Labour, R/o. Khaigarhi, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhatisgarh, Through : The District Magistrate/Collector, Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Udho Ram Koshaley, Advocate
For Respondent/State	: Mr. Adil Minhaj, P.L.

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

17/07/2019

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.42/2019, registered at Police Station –Sariya, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 368, 376, 34 of the Indian Penal Code and Section 4 & 6 of 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. No case is made out against the applicant. The applicant is in jail since 09.04.2019. The prosecutrix has willingly accompanied the applicant to go to various

places and staying with him. According to the statement of the prosecutrix under Section 164 of Cr.P.C. there had been no physical relation between the applicant and the prosecutrix. Therefore, it is prayed that the applicant be granted regular 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 prosecutrix is minor age below 17 years. She has made statement under Section 161 of Cr.P.C. that the applicant had made physical relation with her regarding which MLC is also positive, therefore, this amounts to commission of offence of rape. Therefore, the application be rejected.
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 both were acquainted. It is alleged that this applicant proposed the prosecutrix for eloping to which the prosecutrix responded and then she went with the applicant to Kolkata, Andhra Pradesh and lastly both have come to Sambalpur, where they resided for sometime in a rented house. During this stay, the applicant performed marriage with the prosecutrix in temple and then had physical relation with her.
6. Considered on the submissions made and the contents of the case diary. After considering the entire material present in the case diary and after perusal of the statement of the prosecutrix recorded under Section 164 of Cr.P.C., 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