

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3592 of 2019**

Manoj Kumar Khawas S/o Mr. Daiman Singh Aged About 25 Years R/o Village Bade Kanera, Police Station Kondagaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Kondagaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Raza Ali, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.07.2019**

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.309 of 2018, registered at Police Station – Kondagaon, District – Kondagaon, Chhattisgarh for the offence punishable under Sections 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.12.2018 and has been falsely implicated in this case. The prosecutrix in this case is a major woman aged about 19 years. The prosecutrix had willingly come to the place of the applicant and stayed with him for about 10 months during which, she never raised any alarm or made

any complaint to any person, therefore, it is purely a case of consent. Hence, 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 according to the statement of the prosecutrix her consent was obtained by the applicant by putting her under threat. Hence, for these reasons, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, the prosecutrix went missing on 1.2.2018. A missing report was lodged on 3.2.2018. The prosecutrix was recovered from the custody of this applicant on 26.12.2018 and thereafter, on the basis of the statement given by the prosecutrix that she was forcefully abducted by the applicant and was put under threat for submitting physically to the applicant on number of occasions. On that basis, the FIR has been lodged.

6. Considered the entire material present in the case-diary. This fact needs to be explained that the prosecutrix has been resided with the applicant for about 10 months without raising any alarm and that the prosecutrix is a major woman, therefore, 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