

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3955 of 2019**

Mahendra Mali S/o Shri Ganpati Mali Aged About 20 Years R/o Sitali Jor,
Police Station-Devbhog, District- Gariaband, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Devbhog District- Gariaband, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Smita Jha, Advocate.
For the Respondent/State : Shri Avinash Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.08.2019**

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.4 of 2012, registered at Police Station – Dev Bhog, Gariaband, District – Gariaband, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3(1)(12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.3.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The FIR has been lodged under some

misconception. The applicant and the prosecutrix both had together gone to places to earn living and subsequently, father of the prosecutrix has lodged false FIR against the applicant. The applicant was never aware of the case registered against him and the charge-sheet filed against him. In subsequent development, the applicant and the prosecutrix both have compromised with each other, therefore, the prosecutrix has no objection if the applicant is granted regular bail. 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 there is evidence to show that the minor prosecutrix was sexually exploited by the applicant. Hence, the applicant is not entitled for grant of regular bail.

4. The prosecutrix is present in person before this Court and she made a statement that she and the applicant both have compromised and she has no objection if the applicant is granted regular bail.

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

6. Considering that there is a compromise between the applicant and the prosecutrix, further, the case is already pending for trial before the trial Court and also considering the fact that the prosecutrix has no objection in grant of regular bail to the applicant, 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