

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3962 of 2019

- Manish Tandon, S/o Mohna Prasad Tandon, Aged About 20 Years, R/o Village-Chota Navapara, Gobra Navapara, Police Station Gobra Navapara, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Gobra, Navapara, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. J.K. Gupta, Advocate.
For Respondent	:	Mr. Subhash Yadav, Dy. Govt. Advocate.

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

30/07/2019

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.184/2019 registered at Police Station–Gobra, Navapara, District–Raipur(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 18.04.2019. No case is made out against him. The fact is this that the prosecutrix is a major girl of age above 18 years and, further, the applicant and the prosecutrix both have married together on 16.4.2019, regarding which certificate issued by the priest has been

attached and the prosecutrix has also given an affidavit which is attached along with the application, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. The allegation against the applicant is this, that he abducted the minor prosecutrix of age about 17 years and then on pretext of marrying her, he exploited her sexually. Hence, this case.
6. After considering the submissions made by the counsel for applicant and perusing the document filed in support of the same, I feel inclined to allow the application of this applicant.

Registry is directed to return the original birth certificate of the prosecutrix after receiving a photocopy of the same.

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