

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1804 of 2020

Shivshankar Manjhi S/o Late Mata Prasad Manjhi Aged About 20 Years R/o Village Durkadongari Chhotedongar, P. S. Chhotedongar District Narayanpur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The P. S. Chhotedongar District Narayanpur Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Ms. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/06/2020

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.10/2019, registered at Police Station – Chhotedongar, District – Narayanpur(C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the 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 04.10.2019. The prosecutrix has been examined before the trial Court and she has made admission that she and the applicant both have married and she

also wants to reside with him. The minority of the prosecutrix has been very clearly disputed by the applicant in the trial. Hence, it is prayed that the applicant may be enlarged on 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 the prosecutrix was clearly minor on the date of incident, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant, abducted the minor prosecutrix and then sexually exploited her.
6. After considering the facts and circumstances of the case and also perusing the copy of the deposition given by the prosecutrix, 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