

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2197 of 2020

- Virendra Kumar Mandavi S/o Anand Ram Mandavi Aged About 23 Years
Caste- Lohar, R/o Karaka, Police Station Kodekurse, District- Kanker,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-
Ambagarh Chowki District- Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Aditya Bhardwaj, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16.04.2019 in connection with Crime No.72/2019, registered at Police Station- Ambagarh Chowki, District- Rajnandgaon, C.G. for offence punishable under Sections 363, 366 and 376(2) of I.P.C. and Section 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 16.04.2019 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and further, she was a consenting party. There had been a love affair between the applicant and the prosecutrix, hence, it is prayed that applicant be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that on the date of incident, the prosecutrix was

minor, therefore, any consent given by her is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant developed a liking for the minor prosecutrix and then he abducted the prosecutrix and exploited her sexually on a number of occasions.
6. After considering on the facts and circumstances and the material present in this case, I am of this view that it is a fit case for grant of bail to the applicant.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge