

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3678 of 2020

Sumit Mandle, S/o Chhabilal Mandle, Aged About 21 Years, R/o Village Navagaon, Post- Deori, P.S. and Tahsil- Dhamdha, District- Durg (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station Saja, District- Bemetara (C.G.)

--- Respondent

For Applicant	:	Mr. Raj Kumar Pali, Advocate.
For State/ Respondent	:	Mr. Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24/06/2020

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. 354/2019, registered at Police Station- Saja, District- Bemetara (C.G.) for the offence punishable under Sections 376 & 506(B) of IPC & Section 6 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.10.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix and her parents have been examined before the trial court, who have not at all supported the prosecution case and on the basis of their statement, it is clear that the applicant and the prosecutrix made consensual sexual relation and the prosecutrix was major on the date of incident. 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 submitting that no case is made out for grant of bail to the applicant, hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix and then exploited her sexually by putting her under threat regarding which FIR has been lodged and the case is presently pending for trial.
6. On perusal of certified copy of deposition of the prosecutrix and her parents which is filed along with this application, it is found that they have not supported the prosecution case, therefore, looking to this development, I am of the view that it would be proper to release the applicant on regular bail, hence, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge