

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3789 of 2020

- Manmohan Navrange S/o Nohar Navrange, Aged About 20 Years, R/o Tekapar, P.S. Mandir Hasaud, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Purnendra Khichariya, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2020

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 27-02-2020 in connection with Crime No.72/2020 registered at Police Station – Mandir Hasaud, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376, 315, 342 of the IPC and Section 04, 06 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27-02-2020. No case is made out against him. The age of the prosecutrix had been above 18 years on the date of incident. The applicant intends to challenge the ground of minority relied upon by the prosecution in trial. The prosecutrix had been a consenting party, further, her statement under Section 164 of the Cr.P.C. clearly demonstrates that marriage of the applicant and the prosecutrix could not be held because both belongs to different caste community. However, the applicant intends to marry the prosecutrix. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor, therefore, any consent given by her is immaterial. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the documents.
5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext that he will marry her and then he has exploited her sexually for about four months. Subsequent to that, the applicant has deserted her. Hence, the FIR has been lodged.
6. After considering on all the facts and circumstances that are present in this case, I am of this view that the applicant should be enlarged on bail.
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