

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4005 of 2020

- Meghraj Mongre S/o Thanuram Mongre, Aged About 29 Years, Resident of Village Kurrubhatha, Tahsil and Police Station Gariyaband, District Gariyaband Chhattisgarh. (not mentioned in the impugned order of the learned court below), District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri A.D. Kuldeep, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2020

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 11-04-2020 in connection with Crime No.247/2020 registered at Police Station - Gariyaband, District Gariyaband, Chhattisgarh for the offence under Section 363, 366, 376 (2)(f) of the IPC and Section 04, 06 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further she has willingly accompanied and resided with the applicant and also submitted for physical relation. Therefore, no case is made out against this applicant. He is in jail since 11-04-2020. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix was only 16 years, therefore, any consent or willingness on her part is immaterial. Hence, the application may be

rejected.

4. Heard learned counsel for the parties and perused the documents.

5. The case of the prosecution is this, that the applicant abducted the minor prosecutrix and by keeping her in his custody he has exploited her sexually on number of occasions, regarding which he is being prosecuted.

6. Considering on the submissions and also the statement that the prosecutrix has given under Section 164 of the Cr.P.C., I am of this view that the applicant should be granted bail during pendency of the trial against him.

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