

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3870 of 2020

- Tapan Kumar Munna S/o Uttar Kumar Munna, Aged About 18 Years, R/o Village Sukda, Chowki-Baloda, Tahsil Saraipali, District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Chowki Baloda, Police Station Saraipali, District Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Shri Yogeshwar Sharma, 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 31-03-2020 in connection with Crime No.85/2020 registered at P.S. – Chowki-Baloda, Police Station- Saraipali, District Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376(2)(b) of the IPC and Section 6 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 applicant is in jail since 31-03-2020. The applicant and the prosecutrix both had love affair because of which they have married and were living as husband and wife. In the meanwhile, the parents of the prosecutrix conducted a meeting in the village and as they have not agreed to this marriage, that is why this false FIR has been lodged. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly mentions these circumstances. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix had been minor on the date of incident, therefore, any consent given by her is immaterial. Hence, 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 on pretext that he will marry the prosecutrix abducted her and then performed marriage with her in a temple. Thereafter, both of them had been living married life for some time in which the prosecutrix was sexually exploited by him. Thereafter, the FIR has been lodged by the father of the prosecutrix.

6. Considering on the facts and circumstances of 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