

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4022 of 2020

Atal Manjhi, S/o Ramu Manjhi, Aged About 19 Years, Resident of Manjhi Mohalla Chandrahasani Chowk Ward No. 13, Police Station: Chandrapur, District- Janjgir-Champa (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Chandrapur, District- Janjgir-Champa (C.G.)

--- Respondent

For Applicant : Mr. K.K. Pandey, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30/06/2020

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. 10/2020, registered at Police Station- Chandrapur, District- Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of IPC & Section 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 25.01.2020 and has been falsely implicated in this case. No case is made out against the present applicant. Totally false FIR has been lodged against this applicant. The prosecutrix has given statement under Section 164 of the Cr.P.C. before the Judicial Magistrate First Class in which she totally denied about

making any allegation against this applicant. Hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date of incident and she had supported the prosecution case against this applicant in her statement given under Section 164 of the Cr.P.C., 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 regarding which FIR has been lodged.
6. After considering the facts of the case and also the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., 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