

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4044 of 2020

Rohit Mandavi, S/o Sanjay Mandavi, Aged About 20 Years, R/o Village Atal Awas Pendri, Block No. 46, Ward No. 20, Police Station Lalbag, District- Rajnandgaon (C.G.)
--- Applicant

Versus

State of Chhattisgarh, Through: Police Station Lalbag, District- Rajnandgaon (C.G.)
--- Respondent

For Applicant : Mr. Arvind Kumar Dubey, Advocate.
For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

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. 524/2019, registered at Police Station- Lalbag, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of IPC & Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 21.11.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix was not minor on the date of incident and she was a consenting party. There had been affair between the prosecutrix and the applicant because of which they performed marriage in temple. 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, therefore, consent given by her is immaterial, 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, the applicant and the prosecutrix both have affair, then on 29.10.2019, the applicant by force, abducted the prosecutrix and took her to temple where they performed marriage. Subsequent to which, the applicant by keeping her in his custody, exploited the prosecutrix sexually until she was recovered on 30.11.2019.
6. After considering the statement that has been given by the prosecutrix and also other fact and circumstances of the case, 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