

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6741 of 2020

- Jitendra Mahanand, S/o Shri Madan Mahanand Aged About 21 Years
R/o Village Shitlapara, Dumartalab, Behind Middle School, Police
Station Aamanaka, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Aamanaka, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate.

For State/respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/10/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.132/2020 registered at Police-Station-Aamanaka, District-Raipur(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 3 & 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant intends to challenge the ground of minority of prosecutrix as she was not minor. The applicant and prosecutrix both had affair between them

and the statement of the prosecutrix under Section 164 of CrPC clearly states about her willingness and consent in residing and having physical relation with the applicant, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was a minor girl, therefore, any consent or willingness on her part is immaterial. The commission of offence is clearly made out, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the minor prosecutrix of age below 18 years was abducted by the applicant and then by keeping her in his custody for sometime, he has exploited her sexually which has resulted in her pregnancy, hence, this case.
6. Considered on the submissions and the facts present in the case diary and also the statement given by the prosecutrix under Section 164 of CrPC, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge