

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 263 of 2021**

Shiva Manikpuri @ Bittu S/o Shri Shambhudas Manikpuri Aged About 25 Years R/o Ramayan Nagar, Near Raju Kirana Stores, Police Station- Purani Basti Raipur, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Purani Basti Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shukla, Advocate.
For the Respondent/State : Ms. Reena Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.03.2021**

Heard.

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.274 of 2020, registered at Police Station – Purani Basti, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(dha) of the Indian Penal Code and Sections 4 and 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 2.10.2020 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. discloses about her relationship with the applicant, which was consensual. The prosecutrix was

not minor on the date of incident. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor of age 16 years and 9 months only on the date of incident, therefore, any consent or willingness on her part is of no consequence. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then after performing sham marriage with her he had physical relation with her on several occasions knowing well that she is not competent to give such consent.

6. Considered the submissions and the facts that are present in the case. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi