

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.924 of 2021

- Rajendra Kumar Janghel S/o Maniram Janghel, Aged About 20 Years
R/o Village Sohagpur, Police Station Parpodi, District- Bemetara,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station
Chhuikhadan, District- Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 10.12.2020, in connection with Crime No.318/2019, registered at Police Station-- Chhuikhadan, District- Rajanandgaon, C.G. for offence punishable under Sections 363, 366, 376(2)(j)(n) of I.P.C. and Sections 5 and 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The statement of prosecutrix under Section 161 of Cr.P.C. clearly says about the affair, the willingness of the prosecutrix and her physical relation with the applicant all were based on consent. The applicant is in jail since 10.12.2020. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that on the date of incident, the prosecutrix was minor of age below 18 years. Therefore, the case registered against the applicant is made out. Hence, it is prayed that this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years on 18.11.2018 and then the prosecutrix was taken to Rajnandgaon, Nagpur and then, brought back to their village Sohagpur, C.G. During this time, the applicant kept the prosecutrix in his custody and had physical relation with her knowing well that she was not competent to give consent. Hence, this case.
6. Considered on the submissions and the facts of the case, also after looking to the statement of prosecutrix under Section 164 of Cr.P.C. and other facts present, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 two local surety each 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