

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 961 of 2021

Kundan Kumar Mandavi, S/o Anand Ram, Aged About 25 Years, R/o Village- Magaod, Police Station- Magarlod, District- Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station- Bhakhara, District- Dhamtari (C.G.)

--- Respondent

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate.
For State/ Respondent	:	Mr. Kunal Das, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09/02/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 34/2020, registered at Police Station- Bhakhara, District- Dhamtari (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of the Protection of Children

from Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 03.01.2021 and has been falsely implicated in this case. The applicant and the prosecutrix both had love affair, therefore, they have performed marriage in Arya Samaj, Raipur after the prosecutrix attained the age of majority. The prosecutrix and her father had appeared before the Sessions Court making statement that they have no objection in grant of bail to the applicant, which was not considered. Hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that according to the facts of the case, the date, when the prosecutrix and the applicant started having physical relation, she was minor of age below 18 years, therefore, the offence as alleged, are made out against this applicant. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. As per the case of the prosecution, it is alleged that on 13.03.2020, the minor prosecutrix of age below 18 years, was abducted by the applicant and then, by keeping her in his custody, he exploited her sexually knowingly that she is minor to have physical relation. FIR has been registered against the applicant.
10. Considered on the submissions and the facts present in this

case. It is mentioned in the bail rejection order that the prosecutrix and her father, had appeared before the Sessions Court making statement of no objection in grant of bail to the applicant. For this reason, I am of this view that it would be proper to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. 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 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