

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1734 of 2021

- Rameshwar Manikpuri S/o Pushpa Manikpuri, aged about 22 years R/o Village Shikaritola, Post Jhithratola, Tahsil and Police Station Chhuria, District Rajnandgaon (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station Chhuria, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. G.L. Uike, Advocate
For Respondent/State	:	Ms. Hamida Siddique, Dy. Adv. General

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2021

Heard.

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. 102/2018 registered at Police Station Chhuria, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 376 (2) (n) of the IPC and Sections 4 & 6 of the POCSO Act.
2. It is submitted that the applicant is innocent who has been falsely implicated in this case. No offence has been committed by the applicant, he is in jail since 11/02/2021 and trial is likely to take some time, therefore, the applicant may be granted bail.
3. Per contra, learned State counsel opposes the bail application and submits that the prosecutrix is minor girl below 16 years of age, she

was abducted by the applicant who exploited her sexually and also harassed and tortured her. Therefore, the application may be rejected.

4. Notice was issued to the Complainant which has been served for date 12/04/2021, but on that date there was no appearance and representation on behalf of the complainant's side.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, this applicant abducted the minor prosecutrix on 03/07/2018. The prosecutrix was taken by him to Hyderabad, where the applicant kept her in his custody and exploited her sexually. Subsequently, he harassed and tortured her. Later on, the prosecutrix has left with one Pramod to Rajasthan, where she married with him after attaining the age of majority.
7. Considered on the submissions. As the case is now pending for trial and completion of trial is likely to take time, the applicant is in jail since 11/02/2021, therefore for these reasons, I feel inclined to allow this bail application and release the applicant on bail.
8. 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 his 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