

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2104 of 2021**

- Manbahar, S/o Shri Karan Bahadur, Aged About 20 Years, R/o. Village Manpur, P.S., Tahsil and District-Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Of Police Station Ajak, District Surajpur (Chhattisgarh) (Initially The Offence Registered By P.S. Surajpur, Subsequently The Matter Is Investigated By P.S. Ajak).

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For State/respondent : Mr. Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2021**

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.61/2021 registered at Police-Station-AJAK, District-Surajpur(C.G.) for the offence punishable under Sections 363, 366, 376(2-N) of IPC and Section 6 of POCSO Act, 2012 and Section 3(2), 3(1)(B)(1) of SC/ST (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 07.02.2021. Charge-sheet has been filed. The prosecutrix was not minor and, further, she was willing and consenting party according to

her statement under Section 164 CrPC, therefore, there is no case present against this applicant, therefore, it is prayed that this applicant 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 minor on the date of incident, therefore, her willingness and consent is immaterial, hence, the application be rejected.
4. The prosecutrix had virtually present before this Court through the 'Help Desk' of DLSA, Surajpur on 26.7.2021. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually on number of occasions, knowing well that she was not capable to give consent for such relation being minor. The prosecutrix is also a member of Scheduled Tribes.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 CrPC and also that she has no objection in grant of bail to this applicant, I feel inclined to allow the bail application of this applicant.
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

Nisha