

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2986 of 2021

- Mantu Prasad S/o Late Shri Bachan Sao, Aged About 26 Years, Resident of Joda Satbarwa, Police Station Medani Nagar, District Palamu Jharkhand, at present Resident of Police Station Sasaram, District Rohitas Bihar.

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri A.D. Kuldeep, Advocate.

For State/Non-applicant – Smt. Smriti Shrivastava, Panel Lawyer.

Shri B.L. Sahu, Advocate for the prosecutrix.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-03-2021 in connection with Crime No.203/2019 registered at Police Station – Abhanpur, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 (2) (᳚) of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 15-03-2021. The statement of the prosecutrix under Section 161 of the Cr.P.C. clearly shows that she had willingly left with the applicant and resided with him and that there had been no physical relation with the applicant until she attained the age of majority. The applicant and the prosecutrix both have married and they want to live together. Therefore, it is prayed that this applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of abduction the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be

rejected.

4. Shri B.L. Sahu, counsel appearing for the prosecutrix submits that the complainant and the prosecutrix both have no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years on 15-04-2019, took her to some place in Bihar, where he kept her in his custody continuously and also exploited her sexually knowing well that she was not capable of giving consent, this continued until the recovery of the prosecutrix on 14-03-2021.

7. Considered on the submissions and the facts present in the case and also looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. which discloses some new facts, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant 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 one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge