

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3857 of 2021**

Mahesh Minj S/o Kameshwar Minj Aged About 23 Years Resident Of Hariharpur, Police Station Darima, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.07.2021**

Heard.

1. 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.16 of 2021, registered at Police Station – Mahila Thana, Ambikapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 376(2)(n), 294 and 323, 34 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.3.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 Cr.P.C. clearly shows that she had been willing and consenting party. Hence, it is prayed that the applicant be

enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear statement of the prosecutrix and others against this applicant under Section 161 of the Cr.P.C. The prosecutrix was also beaten and injured in the incident, therefore, the application of the applicant be rejected.

4. Notice issued to the complainant/ informant has been returned served but there is no appearance or representation.

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

6. According to the prosecution case, this applicant exploited sexually the minor prosecutrix from 10.12.2018 until the lodging of FIR on 7.3.2021. Later on, this applicant was negotiating for marriage with some other girl. The prosecutrix objected because of which, the applicant and his family members have abused, beaten and caused injuries to her. Hence, the FIR has been lodged.

7. Considered the submissions and the facts of the case. The statement under Section 164 of the Cr.P.C. is a clear contradiction to the statement under Section 161 of the Cr.P.C. hence, looking to this fact, I feel inclined to grant bail to the applicant in this case.

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

9. It is directed that 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge