

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4035 of 2021**

Manish Ram Lahare @ Mani Lahare S/o Prahlad Lahare, Aged About 20 Years R/o Juna Para P.S. Takhatpur, District Bilaspur Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Chowki- Junapara, Police Station Takhatpur, District Bilaspur Chhattisgarh.

**---- Respondent**


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|--------------------------|---|-------------------------------|
| For the Applicant        | : | Shri K.P.S. Gandhi, Advocate. |
| For the Respondent/State | : | Smt. Smriti Shrivastava, P.L. |
| For the Complainant      | : | Shri Pawan Kashyap, Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****23.07.2021**

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.142 of 2021, registered at Police Chowki Junapara, Police Station – Takhatpur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 08/09.04.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that she was 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 on the date of incident, the prosecutrix was of age below 18 years, therefore, any consent of the prosecutrix in such a case is immaterial. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Learned counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant regarding which, an application for no objection has also been filed in support with an affidavit.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 18 years and by keeping her in his custody, he exploited her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered on the submissions. After considering the statement of no objection from the complainant side and the development that has taken place in this case, I feel inclined to grant regular bail to the applicant.

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