

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3990 of 2021

- Sahil Mandawi S/o Budhra Mandawi Aged About 25 Years R/o Nayamunda Jagdalpur District Bastar Chhattisgarh Parmanent R/o Near Mission Ground Maithguda Jagdalpur, District Bastar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sukma District Sukma Chhattisgarh

---- Respondent

M.Cr.C. No.5081 of 2021

- Gajendra Nag S/o Rajendra Nag Aged About 18 Years R/o House No. 148 Line Para Ward No. 13 District Sukma Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Sukma District Sukma Chhattisgarh

---- Respondent

For Applicants	: Mr. Vikash A. Shrivastava, Advocate.
For Non-applicant/State	: Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

22-07-2021

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.14/2021, registered at P.S.- Sukma, District- Sukma (C.G.).
2. M.Cr.C. No.3990/2021 has been filed by applicant Sahil Mandawi, who has been arrested for the offence Under Sections 363, 366, 378 and 376/34 of I.P.C. and Section 04 of Langik Apradhon Se Balkon Ka Sanrakshan Adhiniyam, 2012.

3. M.Cr.C. No.5081/2021 has been filed by applicant Gajendra Nag, who has been arrested for the offence Under Sections 366-A, 376(3)(n) of I.P.C. and Section 06 of Langik Apradhon Se Balkon Ka Sanrakshan Adhiniyam, 2012.
4. It is submitted by learned counsel for applicants in both the cases that the applicants in both the cases were innocent who have been falsely implicated in this case. The prosecutrix, mother and her father have been examined in the trial and they have not supported the prosecution case. There is a clear statement of prosecutrix before the Court that no incident of rape has occurred with her. Therefore, the applicants in both the cases are entitled for grant of bail.
5. Learned counsel for the State/non-applicant opposes the applications and submits that the age of the prosecutrix had been below 16 years and further, there are other witnesses, who are yet to be examined, therefore, it is prayed that the applications of both the applicants may be rejected.
6. Complainant- Laxmi Kumar Rao is virtually present before this High Court through the Help Desk of T.L.S.A.- Sukma and she makes an objection in grant of bail to the applicants.
7. Heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, the minor prosecutrix of age below 16 years was abducted by the applicant Gajendra Nag, who took her to the place of residence of his uncle (applicant- Sahil Mandawi), where it was alleged that the prosecutrix was sexually exploited by the applicant Gajendra Nag, until she was recovered by the police. Hence, this case.
9. Considered on the submissions and perused the certified copy, deposition of the prosecutrix, her mother and father, the prosecutrix has

stated before the Court that she herself has left her house after having a quarrel with her parents and further, she has not supported the prosecution case in any manner. Hence, looking to this development, I am of this view that both the applicants are entitled for grant of bail in both the cases.

10. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

11. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge