

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4036 of 2021**

Suman Mandal S/o Late Gokul Mandal Aged About 24 Years Resident Of
P V 42, Pankhajur, Police Station Pankhajur, District Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Arkshi Kendra Kohka, Police Station Kohka ,
District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri Arvind Dubey, Advocate.
For the Respondent/State : Smt. Smriti Shrivastava, P.L.

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.7 of 2019, registered at Police Station – Kohka, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(N) of the Indian Penal Code and Section 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 10.08.2019 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly reveals about affair and consensual relationship with the applicant. The prosecutrix was not minor on the date of incident. 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. Complainant – Somaram Yadav is present before this virtual Court through the Help-Desk of DLSA, Rajnandgaon. He made a statement that he has objection in grant of bail to the applicant.

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 looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. and also looking to the length of detention of the applicant in jail, 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