

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4324 of 2021**

- Mahanguram Baghel S/o. Dhansu @ Koya, Aged About 22 Years, R/o. Village Parakot, Police Station Parpa, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh; Through: Police of Police Station Parpa, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

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

**Order on Board**

**06-08-2021**

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 18-01-2021 in connection with Crime No.13/2021 registered at P.S. - Parpa, District Bastar, Chhattisgarh for the offence under Section 366(A), 376 of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 18-01-2021. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that there had never been any physical relation between her and the applicant, therefore, there is no case present against this applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. clearly alleges the offence of rape committed by the applicant. Further, the prosecutrix is minor. Therefore, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 29-07-2021 on notice and she had submitted that she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and had physical relation with her knowing well that she was minor and thus incapable of giving consent.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C., 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**