

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4319 of 2021

- Jairam Mandavi S/o Jugru Ram Mandavi, Aged About 24 Years, R/o Village Kotpad, Police Station Badedonger, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Benur, District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Arun Kumar Shukla, Advocate.

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

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 14-03-2021 in connection with Crime No.10/2021 registered at P.S. - Benur, District Narayanpur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 04, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 14-03-2021. Charge sheet has been filed. The prosecutrix was not minor and further, she was a willing and consenting party. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear statement of the prosecutrix that after her submitting for relationship to the applicant she came to know about his marriage and children, therefore, her consent was fraudulently obtained by the applicant. Hence, the application may be rejected.

4. The complainant/prosecutrix virtually appeared before this Court on 29-

07-2021 on notice and objected in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, performed marriage with her and then had physical relation with her. The applicant took the prosecutrix to his village where village elders asked him to send the prosecutrix back to her parental house. Father of the prosecutrix has lodged the FIR.

7. Considered on the submissions and the facts present in the case. Looking to the facts and circumstances present in this case, 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