

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4474 of 2021

- Rakesh Marawi S/o Ramprasad Marawi, Aged About 22 Years, R/o Village Saida, P.S. Sakri, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, P.S. Sakri, District Bilaspur Chhattisgarh

----Non-applicant

For Applicant – Mr. Prasoon Agrawal, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-08-2021

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 03-06-2021 in connection with Crime No.108/2021 registered at P.S. - Sakri, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC r/w Section 4, 6 of 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 03-06-2021. The prosecutrix was not minor and further, she was a willing and consenting party which is reflected from her statement under Section 164 of the Cr.P.C. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 03-08-2021 and she had stated 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. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and also established physical relation with her which amounts to commission of offence of rape.
7. Considered on the submissions and also the statement given the prosecutrix under Section 164 of the Cr.P.C. and I am of this view that the applicant should be granted regular bail.
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