

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4870 of 2021**

Mahendra Verma, S/o. Late Shri Mansharam Verma, aged about 21 years, R/o. Chandkhuri Basti, Police Station - Mandir Hasod, District- Raipur Civil and Revenue District- Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Mandir Hasod, Raipur, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Mishra, Advocate

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**03/08/2021**

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.102/2021, registered at Police Station – Mandir Hasod, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376, 376 (2) (E) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 20.03.2021. The prosecutrix was not minor on the date of incident and her statement under Section 164 of Cr.P.C. clearly shows that she was willing and consenting party. New development that has taken place in this case is this that the applicant has married with the prosecutrix and the prosecutrix is at present living with her in-laws. Therefore, it is prayed that the applicant may be released 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 the age of the prosecutrix was below 18 years, therefore, she was incapable of giving any consent for any relationship, therefore, no case is made out for grant of bail.
4. Prosecutrix is present virtually before this Court on notice and she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and had continuous physical relation with her after performing marriage with her in temple.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of Cr.P.C. and also that she has no objection in grant of bail to the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge