

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4797 of 2021

- Jaikaran Mandavi S/o Ishwar Lal Mandavi, Aged About 22 Years Cast Beldar R/o Village Murumtara, Police Station Narharpur, District North Bastar Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House In - Charge, Police Station, Narharpur District North Bastar Kanker Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Sandeep Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Anil Tripathi, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

28-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 22.05.2021, in connection with Crime No.62/2021 registered at Police Station— Narharpur, C.G. for offence punishable under Sections 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 22.05.2021. Charge-sheet has been filed. The prosecutrix has stated in her statement under Section 164 of Cr.P.C. that she had willingly gone with the applicant and also consented for the physical relationship. The prosecutrix was not minor on the date of incident, therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submissions made by the learned counsel for the applicant and submits that the prosecutrix was minor of age below 18 years and further in her statement under Section 161 of Cr.P.C. she has stated about the previous incident of rape committed by this applicant, therefore, this applicant is not entitled for grant of bail.

4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Kanker and 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 allured the minor prosecutrix and then had forceful physical relation with her on more than one occasion regarding which F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. After considering on the statement of prosecution under Section 164 of Cr.P.C. and also that the prosecutrix has made statement of no objection in grant of bail to the applicant. Therefore, 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 each 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