

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5148 of 2021

- Manoj Dewangan S/o Ramnihor Dewangan, Aged About 21 Years, R/o Village Sarnadih, Police Station - Balrampur, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, through Police Station- Balrampur, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri A.K. Prasad, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-08-2021

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 14-05-2020 in connection with Crime No.82/2020 registered at Police Station – Balrampur, District – Balrampur-Ramanujanj, Chhattisgarh for the offence under Section 376 (2)(N) of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 14-05-2020. The statement of the prosecutrix under Section 161 of the Cr.P.C. shows that she was a willing and consenting party and she is not a minor. Therefore, it is prayed that the applicant 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 is virtually present before this Court through Help Desk of DLSA Balrampur. She has no objection in grant of bail to the applicant.

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

6. Case of the prosecution is this, that this applicant has by alluring the minor prosecutrix with promise to marry her exploited her sexually on numerous occasions, because of which she became pregnant. Subsequent to which, the prosecutrix was driven out from the house of the applicant. Hence, the FIR has been lodged.

7. Considered on the submissions. Looking to the statement of the prosecutrix given under Section 164 of the Cr.P.C. and that she has no objection in grant of bail to the applicant, 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