

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5030 of 2021

- Rakesh Kumar Manhare, S/o Shri Indra Kumar Manhare, Aged About 22 Years, R/o Village Bansakra, Police-Station-Simga, District-Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Tilda Nevra, District-Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate.
For State/respondent	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/08/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.376/2020 registered at Police-Station-Tilda-Nevra, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

10.02.2021. The prosecutrix has very clearly stated in her statement under Section 161 CrPC, that she herself willingly left with the applicant and reside with him in Pune for two months and came back on the phone call made by her father and that the applicant has not done anything with her, therefore, there is no case present against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement of prosecutrix under Section 161 CrPC, in which, she clearly stated about her physical exploitation by the applicant and, further, the prosecutrix is a minor girl of age 16 years, therefore, the application be rejected.
4. The complainant is virtually present before this Court through the 'Help Desk' of High Court on notice. He has stated that he has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody in Pune and another places and also exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions and particularly looking to the statement of prosecutrix under Section 164 CrPC, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is

allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha