

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5909 of 2021

- Manoj Gandharv @ Bhola, S/o Parmanand Gandharv, Aged About 23 Years R/o Bahtarai, P.S. Sakri, District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P.S. - S.H.O Sakri, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Santyendra Srivas, Advocate.

For State/respondent : Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2021

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.283/2021 registered at Police-Station-Sakri, District-Bilaspur, Chhattisgarh for the offence punishable under Sections 376(2)(n) 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 10.07.2021. The statement of prosecutrix under Section 161 CrPC shows that there had been a love relationship of the prosecutrix with the applicant because of which she continuously submitted herself for

physical relation which resulted in her pregnancy. Later on, on the pressure given by her parents, the applicant took the prosecutrix to his own house where she resided with him for about 6 months. Later on, they also stayed for some time in a rented house. Subsequent to which, FIR has been lodged which is totally false and baseless. Therefore, it is prayed that the 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 statement of prosecutrix under Section 164 CrPC clearly shows that she was forcibly raped by the applicant and, further, she was minor of age below 18 years, therefore, her consent and willingness on her part is immaterial.
4. Notice issued to the complainant has been returned served for date 9.9.2021 but there is no appearance and no representation.
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 allured the minor prosecutrix with promise to marry her and then continuously exploited her for some time, thereafter, the FIR has been lodged.
7. Considered on the submissions. The father of the prosecutrix had appeared before the Sessions Court and made statement of no objection in grant of bail to the applicant. Taking into consideration, the other circumstances that are present according to submissions made, I feel inclined to allow the 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