

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6397 of 2021

- Pritam Manjhi, S/o Shri Kamal Lochan Manjhi (Wrongly Mentioned As Kamal Lachhan Manjhi In Order), Aged About 24 Years R/o Village Manjhiguda, Police Station Kotpaad, District Koraput Odisha

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House In-Charge, Police Station Nagarnaar, District Bastar.

---- Non-applicant

For Applicant	:	Ms. Anuja Sharma, Advocate.
For Non-applicant/State	:	Mrs. Smriti Shrivastava, Panel Lawyer.
For Complainant	:	Mr. Vaibhav A. Goverdhan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2021

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 18.06.2021, in connection with Crime No.218/2017, registered at Police Station- Nagarnaar, District- Bastar, C.G. for offence punishable under Section 376 of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 18.06.2021. Charge-sheet has been filed. The statement of prosecutrix under Section 164 of Cr.P.C. shows that she was willing and consenting party as there had been a long relationship of love affair of about one and a half year. The ground of minority of prosecutrix shall be challenged in trial, therefore, it is prayed that this application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix was of age below 18 years on the date of incident and there is clear allegation made by prosecutrix in her statement under Section 161 and 164 of Cr.P.C. against the applicant, therefore, the application may be rejected.

4. Learned counsel appearing for the complainant opposes the application and submits that the minor prosecutrix was continuously exploited sexually by the applicant on pretext of marrying her and lastly, he has refused to marry the prosecutrix. Hence, this application may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, from July 2016, the applicant and the minor prosecutrix got acquainted to each other, subsequent to which, on pretext of marrying the minor prosecutrix, the applicant started exploiting her sexually on number of occasions. And lastly, he has refused to marry the prosecutrix. Hence, the F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. Taking into consideration, the facts and circumstances that are present in the case, 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