

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 6191 of 2021**

Mahendra Kumar Dhruw S/o Dukalha Dhruw Aged About 20 Years R/o Village Mudiyadih Police Station Tumgaon District Mahasamund Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station Tumgaon Chowki Sirpur District Mahasamund Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Priyank Rathi, Advocate.  
For the Respondent/State : Shri Amit Verma, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****20.09.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.90 of 2018, registered at police Chowki Sirpur, Police Station – Tumgaon, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2) (n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.7.2021 and has been falsely implicated in this case. The prosecutrix has herself eloped with this applicant went to Raipur and from there to Pune where both of them resided for a long time and also performed

marriage. Subsequent to that, they also went to Rewa for work and again came back to Pune, later on, came back to Chhattisgarh. On coming to know that there is a police report against the applicant then both of them presented themselves at Sirpur police station. The prosecutrix is now major, therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, the prosecutrix was minor, therefore, any consent given by her is immaterial. Hence, he is not entitled for grant of regular bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Mahasamund. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, the prosecutrix was abducted by this applicant on 13.5.2018 and she was taken to different places, he kept her in his custody and during that time, he also exploited her sexually on numerous occasions. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances, I feel inclined to grant bail to the applicant in this

case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge