

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6226 of 2021

- Hemchand Mandavi S/o Birsingh Mandavi Aged About 22 Years R/o. Hathkali P.S. Mardapal District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station Mardapal District Kondagaon Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mr. Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

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 26.12.2020, in connection with Crime No.04/2020, registered at Police Station- Mardapal, District- Kondagaon, C.G. for offence punishable under Section 376, 506, 376(2)(n), 376(3) 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 26.12.2020. The prosecutrix has been examined in the trial and she has clearly stated that she was major and her relation with the applicant was consensual, therefore, there is no case present against this applicant. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that according to the proof of age collected in the investigation, the prosecutrix is minor, therefore, her consent or willingness is immaterial. Hence, this application may be rejected.

4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Kondagaon and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix, exploited her sexually on more than one occasions, because of which she became pregnant. The prosecutrix then informed about her pregnancy on which the applicant threatened her because of which, the F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions. Perused the certified copy deposition of the prosecutrix, which is filed along with the application which shows that the prosecutrix has been declared hostile by the prosecutor and she has given statement regarding which the statement has been made by the applicant counsel. Therefore, I am of this view that the applicant should be granted bail.
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