

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6444 of 2021**

Nurpendra Manjhi S/o Late Santram Aged About 21 Years R/o- Village
Baturakachhar, Police Station- Pathalgaon, District- Jashpur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through - Police Station, Pathalgaon, District-
Jashpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjay Agrawal, Advocate.
For the Respondent/State	:	Shri Anil Tripathi, P.L.
For the Complainant	:	Shri Pragalbha Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.09.2021**

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.87 of 2021, registered at Police Station – Pathalgaon, District Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 & 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 3.8.2021 and has been falsely implicated in this case. The prosecutrix has stated under Section 164 of the Cr.P.C. that she and the applicant both had love affair, they eloped and got married. She does not want any action against this 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 the prosecutrix was minor of age below 18 years. Hence, the applicant is not entitled for grant of regular bail.

4. Learned counsel for the Objector/ complainant submits that the complainant has no objection if the applicant is granted regular bail.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the statement under Section 164 of the Cr.P.C. and also the statement of no objection from the complainant side, I feel inclined to grant regular bail to the applicant.

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