

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6770 of 2021

- Ranjit Mandavi S/o Sagram Mandavi, Aged About 19 Years, R/o Village Korgav (Buttadihi) Para, Thana And Tahsil Baderajpur, Vishrampur, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Narharpur, District Uttar Bastar Kanker, Chhattisgarh.

----Non-applicant

For Applicant – Mr. Parag Kotecha, Advocate.

For Non-applicant/State – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 30-07-2021 in connection with Crime No.88/2021 registered at P.S. - Narharpur, District Uttar Bastar Kanker, Chhattisgarh for the offence under Section 363, 366, 376 (n) of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 30-07-2021. The prosecutrix was a willing and consenting party which is reflected from her statement under Section 164 of the Cr.P.C. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Further, she has clearly made allegations of abduction and rape against the applicant in her statement under Section 161 of the Cr.P.C. Hence, the application may be rejected.

4. The prosecutrix is virtually present through the Help Desk of DLSA

Kanker. She has objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was minor and thus incapable of giving consent.

7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances present, 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