

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7184 of 2020

Chandan Manikpuri @ Jagdish Das, S/o Prahlad, Aged About 21 Years, R/o Village- Roba, Police Station- Fingeshwar, District- Gariyaband (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer- Telibandha, District - Raipur (C.G.)

--- Respondent

For Applicant	:	Mr. Siddharth Rathod, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/02/2021

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. 497/2019, registered at Police Station- Telibandha, District- Raipur (C.G.) for the offence punishable under Section 376, 363, 376 (3) of IPC read with 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 22.10.2019 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The applicant intends to challenge minority of the prosecutrix in the trial. The prosecutrix has been examined in the trial and she has stated

about her willingness and consent regarding her relationship with the applicant. No case is made out against the applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor of age below 16 years on the date and time of incident, therefore, any willingness or consent on her part, is immaterial, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. The prosecutrix, on notice, gave virtual appearance before this Court on 16.12.2020 and she made statement of no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually on numerous occasions, regarding which, offences have been registered against him.
7. Considered on the submissions and the facts present in this case. Considering that the applicant is in jail since 22.10.2019, the trial has not made any satisfactory progress and also the other circumstances present, I am of this view that it would be proper to release the applicant on regular bail, hence, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun