

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7683 of 2020

- Rajman Mandavi S/o Brijlal Mandavi Aged About 22 Years R/o Undari Batrali, Police Station - Keshkal, Distt. Kondagaon (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Keshkal, Distt. Kondagaon (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Kishore Narayan, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

For Complainant : Mr. Ashish Beck, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

26-02-2021

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 18.07.2019, in connection with Crime No.76/2019 registered at Police Station-- Keshkal, District- Kondagaon, C.G. for offence punishable under Sections 376, 506 376(2)(a) and 376(3) of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 18.07.2019. The prosecutrix has been examined in the trial and according to that, she is not a reliable witness. The allegation regarding rape in the year 2018 has been vaguely made without any detail of the time and place etc. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix has been consistent in her statement of allegations against the applicant in her diary statement and under Section 164 of Cr.P.C. and also the statement before the Court. Therefore, the applicant is not entitled for grant of bail.

4. The prosecutrix/complainant is present before this Court represented by learned counsel Mr. Ashish Beck 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. According to the prosecution case, the applicant and prosecutrix were known to each other. It is alleged that in the year 2018, this applicant has by putting the minor prosecutrix of age below 16 years under threat, committed the offence of rape with her. Subsequent to that, because of the threat given, the prosecutrix further submitted and she was abducted by the applicant, this F.I.R. has been lodged on 17.07.2019.
7. Considered on the submissions and also case diary, along with the certified copy of the statement of the prosecutrix and other witnesses that have been filed. Although the trial is nearing completion but looking to the statement of no objection from the complainant/prosecutrix side and also the length of detention, the applicant has undergone in jail, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each 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