

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8308 of 2020

- Manoj Tonde S/o Shiv Prasad Tonde, Aged About 23 Years, R/o Amla Kanpa, P.S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pandri, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pradeep Singh Rathore, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-01-2021

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 20-10-2020 in connection with Crime No.435/2019 registered at Police Station – Pandri, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further, the applicant and the prosecutrix both had performed marriage on 25-02-2020 in Mukhyamantri Kanya Vivah Yojana, certificate of the same has been produced in support of the application. The applicant is in jail since 20-10-2020. Therefore, 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 was minor on the date of incident, therefore, her relationship and physical relation with the applicant amounts to commission of offence. Hence, No case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. The case of prosecution is this, that this applicant abducted the minor prosecutrix on 11-12-2019 when her age was 17 years and 11 months and subsequent to that, the prosecutrix was kept by him in his custody and she was also exploited sexually on number of occasions.
6. Considered on the submissions and facts of the case. Looking to the statement given by the prosecutrix in the investigation and other circumstances, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge