

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8119 of 2021**

- Nirmal Manikpuri S/o Damrudhar Manikpuri aged about 22 Years
R/o Village Baniyagaon, P. S. Bastar, Tehsil and District Bastar
Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: The Station House Officer, Police
Station- Bastar, District- Bastar, Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Sumit Singh, Advocate.
For Non-applicant	: Mr. Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****06/12/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 37/2021 registered at Police Station Bastar, District Bastar (C.G.) for offence punishable under Section 363, 366, 376 of IPC & Sections 6 of POCSO Act.
2. As per case of prosecution, prosecutrix left her house on 13.04.2021, when she did not return, her father lodged missing report in the concerned police station. During course of investigation, prosecutrix was recovered on 03.05.2021. After recording her statement under Section 161 of CrPC, applicant was arrested in the aforementioned crime on 14.05.2021.
3. Mr. Sumit Singh, learned counsel for the applicant submits that applicant has been falsely implicated in the crime, he has not committed any offence as alleged against him. He further submits that prosecutrix on the date of alleged incident was 17 years and 9 months old. During the pendency of this bail application, prosecutrix was examined before the trial Court on 08.10.2021 wherein she has not supported the case of prosecution. Applicant is in jail since 14.05.2021, hence, he may be enlarged on bail.

4. Mr. Ashutosh Mishra, learned State counsel, while opposing the submission made by learned counsel for the applicant, would submit, that there are specific allegations of committing forceful sexual intercourse with prosecutrix on the pretext of marriage who was minor on the date of incident. In support of his contentions, he read-over the contents of statement of prosecutrix recorded under Section 161 of CrPC.
5. Prosecutrix is present before this Court through virtual mode from District Legal Services Authority, Jagdalpur, she submits that she is having no objection in grant of bail to applicant.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration, facts and circumstances of the case, nature of allegations, age of prosecutrix and further the submission of learned counsel for applicant that prosecutrix has not supported the case of prosecution based on the document alongwith covering memo dated 03.12.2021 available on record, without commenting anything on merits, I am inclined to allow the bail application.
8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
 Judge