

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8641 of 2020**

Virendra Das Manikpuri @ Bijju, S/o. Shri Firandas Manikpuri, aged about 27 years, R/o. Pendra Road, in front of Vidya Nagar School, Pendra, Thana and Tehsil Pendra, District Gaurella-Pendra, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P. S. Pusaur, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent/State : Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/01/2021**

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.157/2020, registered at Police Station –Pusaur, District – Raigarh (C.G.) for the offence punishable under Section 363, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the 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 and she had been a consenting party, who willingly accompanied and had resided with the applicant and both of them have also performed marriage. The prosecutrix herself has no objection in grant of bail to the applicant, regarding which, she has filed an application supported with an affidavit making statement of no objection before the Court below, which was not at all considered. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident, the prosecutrix was minor of age below 18 years, therefore, any willingness or consent on her part is of no consequences. Hence, this applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution in brief is this that the applicant allured the minor prosecutrix with promise to marry her and then he abducted, performed sham marriage with her and then exploited her sexually by making physical relation on numerous occasions. Missing report was lodged by the father of the prosecutrix, subsequent to which, case has been registered.
6. Considered on the submissions and the facts of the case and also the other circumstances present. Considering the same, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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

Balram