

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8030 of 2021**

Mogtu @ Montu (Mangtu @ Montu) S/o Maansingh, aged about 23 years, R/o Vill. Umar Gaon Post Bade Aamra, Distt. Nabarangapur Odisha

---- Applicant

Versus

State of Chhattisgarh through: P.S. Bodhghat, Distt. Bastar (C.G.).

---- Respondent

For Applicant : Mr. Vikash. A Shrivastava and Mr. Santosh Bharat,
Advocates
For Respondent : Mr. Sushil Sahu, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

29/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 148/2019 registered at Police Station- Bodhghat, Distt. Bastar (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 6 of POCSO Act.
2. In this case the prosecutrix is below 18 years of age. Case of the prosecution in brief is that the applicant, on the pretext of marriage, took the prosecutrix to Odisha and committed forcible sexual intercourse with her, thereby committed offence,

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant and the prosecutrix had love affair, they have resided together at Odisha as husband and wife, the prosecutrix gave birth to a child whose birth certificate has been annexed with the petition. He further submits that before the trial Court also, the prosecutrix had appeared along with his mother and stated that she has no objection in granting the bail to the applicant, therefore, he prays to release the applicant on bail who is in jail since 08/09/2021.
4. On the other hand, learned counsel for the State opposes the bail application.
5. The prosecutrix has appeared before this Court through DLSA, Jagdalpur. Her identity has been verified by the concerned Secretary. The Prosecutrix has no objection in grant of bail to the applicant.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, particularly the fact the applicant and the prosecutrix had love affair, both have lived at Odisha as husband and wife, the prosecutrix has given birth to a child and further considering that the applicant is jail since 08/09/2021 and conclusion of trial likely to take some time, I am of the view that it is fit case to enlarge the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond of Rs. 10,000/- with one surety of the like sum amount to the

satisfaction of the trial Court. Thereafter, the applicant shall appear before the trial Court on the dates given by the trial Court.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul