

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8955 of 2020**

Munna Mallik @ Malay Kumar S/o Shri Subhash Chandra Mallik, Aged About 20 Years R/o Village Badekiyadi, P.S. Basdevpur, District Bhadrak (Orissa.)

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.03.2021**

Heard.

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.22 of 2020, registered at Police Station – Pithora, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376/ 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and she had been a

consenting party throughout. Hence, it is prayed that the applicant 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 the prosecutrix was minor aged about 17 years 6 months on the date of incident, therefore, any consent or willingness by her is of no consequence. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecution case is that this applicant abducted the minor prosecutrix from her lawful guardianship and then by keeping her in his custody he exploited her sexually. The father of the prosecutrix has lodged the FIR in this case.

6. Considered the submissions and the documents present in this case. After looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi