

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9211 of 2020

Manoj Lakara @ Mota, S/o Mohan Lakara, Aged About 21 Years,
Caste Uraon, Occupation Agriculturist, R/o Village Chandarpur, Police
Station Bhatgaon, Tahsil Bhaiyathan, District- Surajpur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through - The Station House Officer, Police
Station Jhilmili, Chowki Chendra, District- Surajpur (C.G.)

--- Respondent

For Applicant : Mr. Vidhya Bhushan Soni, Advocate.

For State/ Respondent : Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/03/2021

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. 84/2020, registered at Police Station- Jhilmili, Chowki- Chendra, District- Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 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 19.10.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Her statement under Section 164 of the Cr.P.C. reveals about love affair of the applicant and the prosecutrix, therefore, no case is made out against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date of incident, therefore, any willingness or consent on her part, is immaterial. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that applicant and the minor prosecutrix both were acquainted to each other. It is alleged that on the date of incident i.e. on 09.10.2020, this applicant abducted the minor prosecutrix and then, kept her in his custody in different places and had physical relation with her, which amounts to commission of offence of rape, regarding which, FIR has been lodged against this applicant.
6. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the other circumstances present, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge