

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9341 of 2020**

Manish Singh, S/o. Rameet Singh Thakur, aged about 34 years, R/o. Village Bharni, Parsada, Police Station -Sakri, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate
For Respondent/State	: Mr. Chitendra Singh, P.L.
For Complainant	: Mr. Hariom Rai, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/02/2021**

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.103/2019, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (7), 3 (1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
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 admittedly there had been an affair between the applicant and the prosecutrix, which was based on willingness and consent, therefore, there is no case against the applicant. The complainant side has no objection in grant of bail to the

applicant regarding which they appeared before the Sessions Judge and have made their statement of no objection, which was not considered. Hence, it is prayed that the applicant may be released 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, therefore, any willingness and consent on her part is immaterial. Therefore, the application be rejected.
4. Complainant -Mangal Singh is present before this Court on notice along with the minor prosecutrix. They have stated that they have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody, he has exploited her sexually regarding which offences have been registered against the applicant.
7. Considered on the submissions and statement of no objection made from the complainant side. 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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