

(2019) 10 CHH CK 0171

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5477 Of 2019

Nand Kumar Dewangan @
Manglu Ram

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Oct. 22, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 363, 366, 376
- Protection Of Children From Sexual Offences Act, 2012 - Section 4, 6

Hon'ble Judges: Rajani Dubey, J

Bench: Single Bench

Advocate: B.P. Singh, B.L. Sahu

Final Decision: Allowed

Judgement

Rajani Dubey, J

1. As MCRC No.5507/2019 has wrongly been linked along with the present MCRC, the same is delinked from this matter.

2. Heard.

3. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection

with Crime No.83/2019, registered at Police Station Nevai, District Durg(CG) for the offence punishable under Sections 363, 366, 376 of the IPC and

Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

4. As per the case of prosecution, mother of the prosecutrix lodged a report against the applicant that on the pretext of marriage, the applicant took

away the prosecutrix from the lawful custody of her guardian and committed sexual intercourse with her.

5. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a consenting party and she is aged

about more than 17 years. He submits that the applicant is in jail since 30.3.2019 and trial will take some time for its final disposal, therefore, the

applicant may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application.

7. Perused the entire material available on record.

8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in

jail since 30.3.2019, I am of the opinion that present is a fit case to release the applicant on bail.

9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the

satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

11. Certified copy as per rules.