

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4569 of 2021**

Manajul Khan S/o Musa Khan Aged About 26 Years R/o Village- Rooppur  
Thana- Basantpur, Tahsil- Vadravnagar, District- Balrampur-Ramanujganj,  
Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Patna,  
District- Koriya, Chhattisgarh.

**---- Respondent**


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For the Applicant	:	Shri Sunil Sahu, Advocate.
For the Respondent/State	:	Smt. Hamida Siddique, Dy. A.G.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****30.07.2021**

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.99 of 2021, registered at Police Station – Patna, District – Koriya, Chhattisgarh for the offence punishable under Section 376(2)(n) of the Indian Penal Code and Sections 4 & 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 1.4.2021 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The prosecutrix and the applicant both were having an affair since the year 2017. Only for the reason that the applicant refused to call the prosecutrix on mobile and

also to meet her, a false FIR has been lodged. 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 statement of the prosecutrix is very clear that on the first occasion in the year 2017, this applicant raped the minor prosecutrix subsequent to which, physical exploitation continued on pretext that the applicant will marry her in future and ultimately, he refused to marry the prosecutrix. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of the DLSA, Koriya. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, this applicant on the pretext of marrying the minor prosecutrix, had forceful physical relation with her in the year 2017. Subsequent to which, this physical relation continued on pretext that the applicant will marry her and finally the applicant has refused to marry her, therefore, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. On the date of lodging the FIR, the prosecutrix is aged about 20 years and further, looking to the statement of no objection made by the prosecutrix

herself, I feel inclined to grant regular bail to the applicant.

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. 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