

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5196 of 2015

Mohan Chouhan, S/o Ram Prasad Chouhan, aged about 35 years, R/o Ward No.70, Sant Ravidas Sarona, D.D. Nagar, P.S. D.D. Nagar, Raipur, Civil & Revenue District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Bhatapara (Gramin), District Balodabazar-Bhatapara (C.G.)

---- Non-applicant

For Applicant:	Mr. Awadh Tripathi, Advocate.
For Non-applicant:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.173/2013 {ST No.46/2015}, registered at Police Station Bhatapara (Gramin), Distt. Baloda Bazaar-Bhatapara, for the offence punishable under Sections 363, 366, 368, 376 of the IPC, Sections 4, 8 and 22 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant assisted his brother Ghanshyam to abduct / kidnap the minor prosecutrix and in turn, Ghanshyam committed sexual intercourse with the minor prosecutrix on the pretext of marriage.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. There is no allegation of rape against the applicant, he is only said to have assisted

the other co-accused in kidnap of the minor prosecutrix and alleged marriage with the minor prosecutrix. The applicant is in jail since 21-7-2015 and charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that the applicant is a party in getting the minor prosecutrix kidnapped and thereafter also forced the minor prosecutrix to enter into marriage with his brother Ghanshyam.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, there is no allegation of rape against the present applicant, pretrial detention of the applicant and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge