

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.338 of 2017

- Rajesh Kumar Faujdar S/o Shri Sunil Faujdar, Aged About 20 Years R/o Kailash Nagar, Police Station Dhamdha, Durg District Durg Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Supela, Bhilai, District Durg Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Jitendra Gupta, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/01/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.516/2016 registered at Police Station Mohan Nagar, District Durg for the offence punishable under Section 363, 366, 376 of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix, who stated to be around 14 years of age.

4. Learned counsel for the applicant submits that the allegation of the prosecution is false. Learned counsel for applicant submitted that the applicant and the prosecutrix were in affair but there are no allegation of having been subjected to sexual intercourse by the applicant, therefore, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of

bail on the submission that looking to the age of the prosecutrix, who is around 14 years of age, prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate, in which, she has not made any specific allegation of having been committed sexual intercourse by the applicant and that the applicant is a young boy and further that the investigation is complete and the applicant is not likely to abscond or tamper with the prosecution witnesses, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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