

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 851 of 2018**

Krishna Kumar Chaurasia S/o Basant Prasad Chaurasia Aged About 24 Years R/o Village Loto, Bagicha, P.S. Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Manendragarh, District Koriya (Baikunthpur) Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.04.2018**

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.281 of 2017, registered at Police Station – Manendragarh, District – Koriya, Baikunthpur, Chhattisgarh for the offence punishable under Sections 363, 366, 376(n) and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. In fact the applicant and the prosecutrix had love affair between them and the prosecutrix was a major girl of above 18 years old. According to the prosecution case itself, the prosecutrix herself went with the applicant and both had consensual physical relationship.

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 age of the prosecutrix was about 16 years on the date of incident, hence, any consent given by her is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the prosecutrix and the applicant got acquainted on telephone. The applicant introduced himself as a member of Uraon Community and allured the prosecutrix with false promise to marry her and asked her to come to Jashpur on 12.8.2017. The prosecutrix responded and went to Jashpur and there she met with the applicant who took her to different places and had physical relationship on various occasions. Lastly, the prosecutrix took shelter in the house of one co-accused – Jagannath where she came to know that the applicant does not belong to Uraon Community because of which, she came back and the FIR has been lodged.

6. Considering the submissions and the contents of the case-diary, and taking into consideration the evidence that is proposed against the applicant for his prosecution, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular bail.

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

8. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge