

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.2749 of 2018

Raj Kumar Chouhan S/o Sonau Ram Chouhan Aged About 25 Years R/o Ara Machine, Azad Chowk, Police Sahayata Kendra Rampur, P. S. Kotwali, Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki Rampur, P. S. Kotwali, Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Govind Ram Miri, Advocate.
For State/Non-Applicant:	Shri Arun Sao Dy. Advocate General.

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board

21.5.2018

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as he is in custody since 24.12.2017 in connection with Crime No.613/2017 registered at Police Station Kotwali, Chowki Rampur, Korba CG) for the offence punishable under Section 376 of IPC and Section 4 of POCSO Act.

2. As per the case of the prosecution, on 25.9.2017, First Information Report was lodged by the prosecutrix aged about 18 years alleging in it that on 20.8.2017, the accused/Applicant called her on her mobile and asked her to come to his house and there he had physical relation with her twice. She has further alleged that earlier also, the accused/Applicant had physical relation

with her.

3. Learned Counsel for the Applicant submits that as per the ossification test, age of the prosecution is between 18-21 years and even as per the school document also, she was about 18 years of age. It has been argued that in the First Information Report, the prosecutrix has not made any allegation that she was subjected to physical relation by the accused/Applicant on the ground of marriage since last four years. However, subsequently, she has now made so.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Considering the totality of the facts and circumstances of the case, in particular, the FIR, the statement of the prosecutrix, the evidence related to her age and the detention period of accused/Applicant, without further commenting on merits, this Court is of the opinion that this is a fit case where the Applicant can be released on bail. Accordingly, the application is allowed and the accused/Applicant is directed to be released on bail on his furnishing a personal bond of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE