

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4167 of 2018

1. Dilip Kumar Chouhan, aged about 22 years, son of Akhilesh Chouhan, resident of village Urla, Police Station Urla, District Raipur, CG

---- Applicant

Versus

1. State of Chhattisgarh through SHO Police Station Urla, District Raipur, CG

---- Respondent

For Applicant	-	Shri Aditya Khare, Advocate
For State	-	Shri Ravindra Agrawal, PL

Order on Board by Hon'ble Shri Justice Pritinker Diwaker

02/07/2018

This application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime No. 93/2018 registered at Police Station Urla, District Raipur for commission of the offences punishable under Sections 363, 366, 376 IPC and 4 and 6 of POCSO Act.

2. Case of the prosecution in short is that the applicant abducted the prosecutrix aged about 17 years and made physical relations with her as a result of which she became pregnant.
3. Counsel for the applicant submits that in the statement recorded under Section 164 Cr.P.C. the prosecutrix has categorically stated that she had the pregnancy of three months and that she lived with the applicant as his wife. He submits that there is no conclusive evidence as to the age of the prosecutrix at the relevant time. He further submits that if the applicant is not released on bail, his future would be adversely affected.
3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case and the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure and also that he is in jail since 14.5.2018, this Court is of the opinion that it is a fit case to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before that Court as and when directed.

Sd/-

(Pritinker Diwaker)

Judge

Jyotishi