

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6179 of 2018

Narendra Kumar Chauhan, S/o. Chaitram Chauhan, Aged About 22 Years,
R/o Dumartarai, Near Pintu Sharma School, Raipur, Thana Mana Camp,
Distt. Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Dongargarh Distt.
Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. Rahul Tamskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

31/08/2018

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.325/2017, registered at Police Station- Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012. The first bail application of the applicant was dismissed for want of prosecution vide order dated 10.08.2018.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 06.01.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix had been a consenting party to the entire incident and her age is also above 18 years, hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that he abducted the minor prosecutrix of age about 17 years and then by keeping her with him, he committed the offence of rape with her on number of occasions. Prosecutrix was recovered from his possession after three months. Thereafter, on the basis of the statement, the offence has been registered against the applicant.
6. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary and also perused the certified copy of the deposition of the prosecutrix before the trial Court. After due consideration, this Court is of the opinion that present is a fit case, in which, this applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge