

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6404 of 2017

- Raghusingh Chouhan S/o Shri Bhawarsingh Chouhan, Aged About 35 Years, R/o Village Tugri, Post Piplin Kala, District Agar Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer of the Police Station Saria, District Raigarh Chhattisgarh.

---- Non-applicant

For Applicant – Shri Abhishek Saraf, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 03-07-2017 in connection with Crime No.159/2016 registered at P.S. Saria, District Raigarh, C.G. for the offence under Section 363, 366, 376 of the IPC and 4, 6 of the POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. Only statement of the prosecutrix with respect to this applicant is this that when she was staying in the house of the applicant, the wife of the applicant and others forced her to marry co-accused Govardhan who then sexually abused her. The applicant has played no role in commission of the said offence. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that age of the prosecutrix on the date of incident was 15 years and 5 months and as per the statement, it appears that the applicant had been a party in

forcing the prosecutrix to marry co-accused Govardhan. Hence, he is not entitled for grant of bail.

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

5. Father of the prosecutrix lodged the FIR that his minor daughter, the prosecutrix was enticed and abducted by some unknown person. The offence was registered. During investigation it was found that co-accused Ishwari Saha and Rajesh Meena had forcefully taken the prosecutrix along with them to village Jangibad in District Rajgarh, Madhya Pradesh, where she stayed in the house of this applicant, then she was forced to marry co-accused Govardhan who have committed rape with her.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration role of the applicant in commission of the offence committed by the main accused person, I am of this view that this application filed by the applicant for grant of regular bail deserves to be allowed.

8. Consequently, the application (MCRC No.6404/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge