

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 915 of 2019**

Milap Chauhan, S/o Mahettar Chauhan, aged about 26 years, R/o village Lukapara, Thana Saraipali, District Mahasamund (CG). **---- Applicant**

**Versus**

State of Chhattisgarh, through Police Station Rajadevri, District Baloda Bazar Bhatapara (CG). **---- Non-applicant**

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| For Applicant     | : Mr. Samir Singh, Advocate.        |
| For Non-applicant | : Mr. S.R. J. Jaiswal, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

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**20.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.61/2018 registered at Police Station Rajadevri, District Baloda Bazar Bhatapara for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
3. Case of the prosecution, in brief is that on 01.10.2018, the prosecutrix was more than 17 years of age. She is a resident of village Rajadevri. On 01.10.2018, the applicant took her on the pretext of marriage. Thereafter, she had returned back to her house. On 01.11.2018, the applicant again took her by enticing and kept her as a wife and committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per photocopy of statement of the prosecutrix recorded under Section 164 of CrPC, the applicant had committed sexual intercourse with her on her own will and wish. She ran away from her house voluntarily.
7. Looking to the above facts and circumstances of the case, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned, he be released on bail.
8. Certified copy as per rules.

**Sd/-**  
(Sharad Kumar Gupta)  
**JUDGE**

L/-