

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3237 of 2019

- Tarzen Chouhan S/o Bodh Ram Chouhan Aged About 25 Years Caste Gada, R/o Village Katekoni, Police Station And Tahsil Sarangarh, District Raigarh Chhattisgarh, At Present R/o Manapsar, Police Station Sarsiwan Tahsil Bilaigarh District Balodabazar - Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station Sarsiwan, District Balodabazar - Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Mr. Roop Nayak, Advocate.

For Non-applicant/State : Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16.03.2019 in connection with Crime No.101/2019, registered at Police Station—Sarsiwan, District- Balodabazar-Bhatapara, Chhattisgarh for offence punishable under Sections 376(2)(ब) of I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has not committed any offence. The prosecutrix is aged about 20 years and she had been a consenting party while she went along with the applicant to different places and never raised any alarm. Therefore, prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix has clearly stated that this applicant has forcefully committed rape with her. Therefore, prayed that application be

rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant on pretext that he will marry the prosecutrix took her to different places and established physical relation with her without her consent and willingness.
6. Considering that the prosecutrix is a major girl and she willingly accompanied the applicant to different places, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge