

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3567 of 2019**

Narendra Koushal S/o Hem Ram Koushal Aged About 24 Years R/o Agar,
Police Station Dhamdha, District Durg Chhattisgarh., District : Durg,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Praveen Dhurandhar, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.74 of 2018, registered at Police Station Dhamdha, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 15.3.2019 and has been falsely implicated in this case. The prosecutrix in this case is not a minor girl and that the applicant and

prosecutrix both had married in Arya Samaj Temple and thereafter, they had physical relation only after the prosecutrix has attained majority. The prosecutrix had appeared before the Court below and filed an application with affidavit making statement that she has no objection if the applicant is granted regular bail. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the prosecutrix was of age 17 years 11 months 12 days on the date of incident i.e. 23.12.2017, when the prosecutrix was abducted and raped by the applicant after making a false promise to marry her regarding which, FIR has been lodged.

6. Considered the contents of the case-diary. After considering the entire submissions made and also perusing the statement of the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge