

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3696 of 2019**

Rahul Paswan, S/o. Sonu Paswan, Aged About 20 Years, R/o. Village Bargad, Police Station -Bhandriya, District Gadwha (Jharkhand).

**---- Applicant**

***Versus***

State Of Chhattisgarh, Through : Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Pramod Shrivastava, Advocate |
| For Respondent/State | : Mr. Aditya Sharma, P.L.          |

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

**Order On Board**

**23/07/2019**

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.142/2018, registered at Police Station – Rajpur, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366 (A), 376(2)n of the Indian Penal Code and Section 5 (1) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 22.09.2018. The prosecutrix was aged about 18 years and she has been consenting party.

Further the prosecutrix herself has recorded statement before this Court, in which age has been mentioned as 19 years and she has made statement in favour of the applicant. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix is minor of age below 18 years, who was abducted and raped by the applicant.
6. Considered on the submissions made and the contents of the case diary. After perusing the certified copy of the deposition of the prosecutrix, which is filed along with the application, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge