

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3896 of 2019**

Chhabiram Dewangan S/o Suresh Kumar Dewangan Aged About 21 Years
R/o Ward No.4, Mahamaya Chowk Palari, District- Balodabazar-Bhatapara,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Palari, District- Balodabazar-
Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri T.K. Jha, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2019**

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.13 of 2019, registered at Police Station – Palari, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 376, 506, 323 and 366A of the Indian Penal Code and Sections 4 and 18 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 3.4.2019 and has been falsely implicated in this case. The prosecutrix in this case is a major woman aged about 25 years and she had been a consenting party it is reflected from her own statement in which she said that

she and the applicant had lived together for more than one year and because of the torture given by the applicant she left him. Hence, for these reasons, 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 on the date of incident the prosecutrix was minor, therefore, the physical relation between the applicant and the prosecutrix amounts to offence of rape. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, the applicant allured the prosecutrix with a false promise to marry her and thereafter, took her to several places and they lived together for more than one year. Because of the torture and cruel treatment given by the applicant, FIR has been lodged.

6. After considering the entire material present in the case-diary, I feel inclined to grant bail to the applicant in this case.

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 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