

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 475 of 2020**

Ravikumar Dewangan @ Raju, aged about 20 years, S/o Pardeshi Ram Dewangan, R/o Kandarka, P.S. Nandini Ahiwara, District- Durg (C.G.) Present Address- Bajrang Nagar, Birgaon, P.S. Urla, Raipur (C.G.)

**--- Applicant**

***Versus***

State of Chhattisgarh, through the Police Station Urla, District- Raipur (C.G.)

**--- Respondent**

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For Applicant : Mr. Sharad Kumar, Advocate.

For State/ Respondent : Mr. Ravish Verma, Govt. Advocate.

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

**Order on Board**

**02/07/2020**

1. Notice issued to the informant/ complainant is served, but there is no appearance and no representation.
2. 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. 154/2018, registered at Police Station- Urla, District- Raipur (C.G.) for the offence punishable under Section 363, 366/34, 376 of IPC & Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. Learned counsel for the applicant submits that the applicant is in jail since 04.01.2019 and has been falsely implicated in this

case. No case is made out against the present applicant. The applicant intends to contest the claim regarding age of the prosecutrix as she was not minor on the date of incident. The evidence regarding her age is contradictory to the prosecution case. Apart from that, the prosecutrix had been a consenting party and she never objected while residing with the applicant in Hyderabad for three months, in Goa for three months and in Raipur for one month. It is case of some dispute which has taken place, subsequent to which, false FIR has been lodged. Hence, it is prayed that this applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application submitting that according to entry in school register, age of the prosecutrix was below 16 years on the date of incident. Further, in her statement given under Section 161 of Cr.P.C. to police and Section 164 of Cr.P.C. to the Magistrate, the prosecutrix has made categorical allegation against this applicant and other accused persons, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix of aged about 16 years who also a member of Scheduled Caste and then he kept her in his custody in Hyderabad, in Goa and for sometime in Raipur. During this period, this applicant exploited the prosecutrix sexually.

7. After considering the entire material placed against this applicant and also the facts and circumstances of this case, I am of the view that it would be proper to release the applicant on regular bail during pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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**