

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4045 of 2020

- Vinod Chouhan, S/o Lalan Singh Chouhan @ Ramlal, Aged About 23 Years, R/o Village Imliduggu, Police Station Kotwali, District Korba Chhattisgarh. (Discription of the application has been extracted from the chargesheet).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, City Kotwali, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/08/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.24/2020 registered at Police -Station-Kotwali, District-Korba(C.G.) for the offence punishable under Section 363, 366(A) & 376(2) of IPC and Section 6 of POCSO Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 12.02.2020. No case is made out against the applicant. The prosecutrix was not a minor on the date of incident and she had been a consenting party in accompanying the accused to places and

residing with him and having physical relation, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was clearly a minor girl on the date of incident, therefore, any consent or willingness on her part, is immaterial.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age 18 years and then by keeping her in his custody in Jammu and other places, he exploited her sexually because of which she became pregnant.
6. Considered on the submissions and the facts of the case and particularly after considering on the statement of the prosecutrix given under Section 164 of CrPC, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge