

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5207 of 2020**

- Rajkumar Dewangan @ Raj Dewangan S/o Malik Ram Dewangan Aged About 19 Years Resident Of Ward No.10 Chango Para Tahsil And Police Station Sakti District Janjgir Champa Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali Choki Jutemil, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri Kamlesh Kumar Pandey, Advocate
For State	:	Shri Gagan Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.106/2020 registered at Police Station – Kotwali Choki Jutemill, District – Raigarh (C.G.) for alleged commission of offences under Section 363, 366 and 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Prosecution case is that the applicant abducted and committed rape on the prosecutrix, who was a minor about 16 years of age.
3. Learned counsel for the applicant would submit that even according to the statement of the prosecutrix under Section 164 CrPC, it was not a case of abduction but the prosecutrix was in affair with the applicant and they went together and married on 02/02/2020. He has clearly stated that no sexual intercourse has taken place between them. Therefore, at the most, only a case under Section 363 IPC would be made out. He submits that investigation is complete and charge sheet has been filed, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that the prosecutrix was a minor girl and as per the records, the date of birth is 15/07/2004. Therefore, a *prima facie* case is made out. It is submitted that in statement under Section 161 CrPC, she has stated regarding sexual intercourse.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the prosecutrix in her statement under Section 164 CrPC recorded before the Magistrate, has stated that no sexual intercourse had taken place, present is a fit case for grant of bail.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge