

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6942 of 2020**

Raju Chauhan @ Nanhu @ Nandlal Kunwar S/o Feku Ram, Aged About 23 Years R/o Village Narayanpur, P.S. And Tahsil Udaypur, And District Sarguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The S.H.O. Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Gyan Prakash Shukla, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2020**

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.53 of 2020, registered at Police Station – Ramanujnagar, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(N) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.8.2020 and has been falsely implicated in this case. The prosecutrix is not minor, she had willingly accompanied and resided with the applicant for about 5 months during which, she never complained to anybody about the incident. After her recovery on 20.8.2020 by the police, the

prosecutrix has made a statement against the applicant under the influence of her parents. The case against the applicant is concocted. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 the prosecutrix has categorically made a statement under Sections 161 and 164 of the Cr.P.C. against the applicant regarding the commission of offence of rape and abduction. Hence, the applicant is not entitled for grant of bail

4. Heard 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 17 years on 10.3.2020 and then took her to Mainpuri, Uttar Pradesh where both of them have resided for about 5 months during which, the applicant continuously raped her until she was recovered on 20.8.2020. The FIR was lodged by the father of the prosecutrix.

6. Considered the submissions and the facts present in this case. After looking to the statement given by the prosecutrix under Sections 161 and 164 of the Cr.P.C., I feel inclined to grant regular bail to the applicant.

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. 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