

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6422 of 2020

Hemant Choudhary, S/o Shri Heera Mohan Choudhary, Aged About 25 Years, R/o Jailpara, Surajpur, P.S. & Tehsil - Surajpur, District - Surajpur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Surajpur, District - Surajpur (C.G.)

--- Respondent

For Applicant	:	Ms. Deepali Dubey, Advocate appears on behalf of Mr. Surfaraj Khan, Adv.
For State/ Respondent	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18/11/2020

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. 114/2020, registered at Police Station- Surajpur, District- Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 (2-n) read with Section 34 of IPC and Section 6, 17 & 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 20.03.2020 and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix was not minor on the date of incident. In the statement of the prosecutrix, it is clearly admitted that there had

been love affair between the applicant and the prosecutrix. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that on the date of incident, age of the prosecutrix was only 16 years and 7 months and further, she has clearly stated in the investigation about her sexual exploitation by the applicant, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. The prosecutrix is present before this Court virtually through the help desk of District Legal Services Authority, Surajpur and she has made statement that she has objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant enticed the prosecutrix by making a false promise to marry her and then established physical relation with her on number of occasions. When, family members of the prosecutrix discovered about the affair, the prosecutrix was taken to Nagpur (Koriya) by this applicant. This time, the applicant made proposition to the prosecutrix to marry her and the prosecutrix eloped with the applicant. After lodging the FIR by father of the prosecutrix, she recovered by police from custody of this applicant.
7. Considered on the submissions and the facts present in this case. It appears that the applicant intends to challenge minority of the prosecutrix in the trial and also after considering on the statement that has been given by the prosecutrix in the

investigation, I am of this view that it would be proper to release the applicant on regular bail, 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