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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7407 of 2020**

Krishna @ Arvind Chouhan, S/o. Subhash Chouhan, aged about 30 years, Occupation Driver, At Present Address Bakimongra, District Korba (Chhattisgarh). Permanent Address - Village Raksha, Post Ratsar, Police Station Pagdi, District Baliya (Uttar Pradesh).

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate Raigarh, District Raigarh (Chhattisgarh) and also Through The Police Of Police Chowki Rairumakhurd, Police Station Dharamjaigarh, District Raigarh (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Govind Dewangan, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/12/2020**

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.228/2019, registered at Police Station – Dharamjaigarh, Chowki- Rairumakhurd, District – Raigarh (C.G.) for the offence punishable under Section 363 & 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. Further she has willingly accompanied the applicant to reside with him and also have physical relation with her. At present he applicant and the prosecutrix both are

married and it is the prosecutrix herself, who has given affidavit in support of the application filed for grant of bail to the applicant. Hence, it is prayed that the applicant may be released on regular bail.

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 was minor on the date of incident, therefore, any consent or willingness on her part is immaterial. The offences registered are clearly made out against this applicant. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the applicant abducted the minor prosecutrix of age 17 years and six months on 08.11.2019 on the pretext of marrying her. The applicant kept the minor prosecutrix in his custody and exploited her sexually until she was recovered by the police on 31.08.2020. Subsequent to which on the basis of the statement given by her, offences have been registered against the applicant.
6. Considered on the submissions and the facts of the case. It is found that it is the prosecutrix, who has sworn affidavit in support of the application for grant of bail and also after considering the submission that have been made on behalf of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram