

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7654 of 2020**

Sunil Kumar Chauhan S/o Dilbodh Chauhan Aged About 20 Years R/o Pandripani, Police Station Patthalgaon, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Chauhan, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2020**

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.68 of 2020, registered at Police Station – Kansabel, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366, 366A and 376 of the Indian Penal Code and Sections 3, 4, 5 and 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 30.8.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. In fact, it was a case of an affair between the applicant and the prosecutrix regarding which, FIR has

been lodged by her father. At present, the development is that the father of the prosecutrix has agreed for the marriage of the applicant with his daughter and one child has also born to the prosecutrix out of this love affair. 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 on the date of incident, the prosecutrix was minor and according to the statement given by her, the commission of offences by the applicant are clearly made out. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case of the prosecution is that the applicant started having physical relation with the prosecutrix since the year 2019 because of which, the FIR has been lodged.

6. Considered the submissions and the facts present in this case. Perused the copy of the statement of the prosecutrix under Section 164 of the Cr.P.C. which is filed alongwith the application, I am of the considered view that this is a fit case for grant of 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