

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 42 of 2021**

Gagan Choudhary S/o Lt Kaushal Prasad Choudhary Aged About 20 Years
R/o Bansiya Chowki Jutmil Raigarh, Thana And District Raigarh
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Chakradhar Nagar, Raigarh
District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.03.2021**

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.185 of 2020, registered at Police Station – Chakradhar Nagar, District – Raigarh, Chhattisgarh for the offence punishable under Sections 366 and 376/34 of the Indian Penal Code and Sections 4 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 24.12.2020 and has been falsely implicated in this case. There is no allegation of rape against this applicant. Hence, it is prayed that the applicant be enlarged on 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 this applicant assisted the main accused in abduction of the minor prosecutrix, therefore, 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 co-accused – Vikas Patel allured the minor prosecutrix with a promise to marry her and then he abducted her with the help of this applicant. He also performed sham marriage in presence of this applicant by putting vermilion on the forehead of the minor prosecutrix and then the co-accused exploited her sexually.

6. Looking to the allegation present against this applicant, 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