

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 313 of 2021

Vikash Chouhan, S/o Krishna Ram, Aged About 19 Years, Caste- Chik,
R/o Village- Bamba, Police Station Bagicha, District- Jashpur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station-
Bagicha, District- Jashpur (C.G.)

--- Respondent

For Applicant : Mr. Prabhakar Tiwari, Advocate.

For State/ Respondent : Mr. Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/03/2021

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. 207/2020, registered at Police Station- Bagicha, District- Jashpur (C.G.) for the offence punishable under Section 376 of IPC and Section 4, 5 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 26.11.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The FIR has been lodged after long delay of 9 months. Statement of the prosecutrix reveals about love affair between the applicant

and the prosecutrix, therefore, there is no case present against this applicant. 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 there is statement of the witnesses present to show that the applicant has committed offence of rape with the prosecutrix, therefore, he is not entitled to grant bail. Hence, the application for grant of bail may be rejected.
4. Notice was issued to the complainant/ prosecutrix, who gave appearance before this Court on 23.02.2021 and has stated that she has no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that on 21.02.2020, this applicant on pretext of marrying the minor prosecutrix, had physical relation with her, which continued on number of occasions, as a result of which, she became pregnant. The applicant then administered some drug to the prosecutrix for the purpose to abort the pregnancy, but the same did not happen. After that the FIR has been lodged against this applicant.
7. Considered on the submissions and the facts present in this case. Looking to the statement of the witnesses present and also the statement of no objection made by the complainant/ prosecutrix, I feel inclined to allow the bail application of this applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that the 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

Arun