

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 886 of 2021**

Chetan Dewangan, aged about 20 years, S/o Shri Lalit Dewangan, By
Caste Koshta, R/o Village Bhothali, Thana and Tahsil Dongargarh, Distt.
Rajnandgaon (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through, Police Station Dongargarh, Distt.
Rajnandgaon (C.G.)

----Non-applicant

For Applicant : Mr. Parag Kotecha, Advocate.
For Non-applicant : Ms. Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****08.07.2021**

(1) Proceedings of the matter have been taken-up through Video Conferencing.

(2) The applicant/accused has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 273/2020 registered at police Station Dongargarh, Distt. Rajnandgaon for commission of offence punishable under Section 376 & 506 of the Indian Penal Code, Section 4 & 6 of The Protection of Children from Sexual Offences Act, 2012 and Section 3 (1)(b), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(3) Case of the prosecution, in brief, is that the applicant and the prosecutrix are resident of same village. The prosecutrix belongs to Scheduled Caste community. The applicant, on the pretext of marriage, has committed sexual intercourse with the prosecutrix against her will since 2017, at that time, the prosecutrix was said to be the minor, thereafter, applicant repeatedly sexually harassed her with a promise to marry with her in various places. On 4.7.2020, when prosecutrix asked him to marry with her, applicant abused her with filthy language saying that she belongs to lower caste. Thereafter, on 5.7.2020, prosecutrix had filed written complaint against the applicant at Police Station Dongargarh, District Rajnandgaon. Pursuant to which, the applicant has been arrested on 11.7.2020 and after filing of charge sheet, the matter is pending consideration before Additional Sessions Judge (F.T.C.), Rajnandgaon.

(4) Counsel for the applicant would submit that the applicant is innocent person and he has not committed the said crime with the prosecutrix. The applicant has been falsely implicated in the crime in question only on the basis of suspicion. He further submits that applicant is in detention since 11.7.2020; charge sheet has already been filed and the trial is likely to take time for its final disposal, therefore, the applicant is entitled to be released on bail.

(5) On the other hand, learned counsel for the State while opposing the bail application would submit that applicant, knowing fully well that prosecutrix belongs to Scheduled Caste Community and also knowing that she is minor girl at the time of commission of offence, committed rape with the prosecutrix and

thereafter he has committed the same offence again and again and later on refused to marry her, therefore, looking to gravity of offence, the applicant is not entitled to be released on bail.

(6) Father of prosecutrix and prosecutrix herself were heard on 7.7.2021 through Video Conferencing from D.L.S.A., Rajnandgaon. They have objected for grant of bail to the applicant.

(7) I have heard learned counsel appearing for the parties and perused the material available in the case diary.

(8) Looking to the FIR and statement of the prosecutrix; long time relations between the applicant and the prosecutrix; and further considering the fact that applicant is in detention since 11.7.2020; the charge sheet has already been filed; trial is likely to take time for its final disposal; I am inclined to release the applicant on regular bail. Accordingly, the bail application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

