

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 899 of 2021

- Vipendra Chaure S/o Devi Prasad Chaure, Aged About 23 Years, R/o Fefade, Police Station- Barghat, District- Shivni, Madhya Pradesh., District : Seoni, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Manpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Kumar Dubey, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-02-2021

Heard.

Admit.

The State counsel submits that the case diary is available.

Both the counsel have agreed to argue on the application today.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-07-2020 in connection with Crime No.31/2020 registered at Police Station – Manpur, District- Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376 (2)(N) of the IPC and Section 3, 4 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor. Further, the statement given by her under Section 164 of the Cr.P.C. shows that she was a willing and consenting party. Hence, there is no case against this applicant. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that in the statement under Section 161 of the Cr.P.C. there is clear allegation of the minor prosecutrix of age about 16 years, that she was

forcefully abducted and then raped by this applicant. Therefore, no case is made out for grant of bail.

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

5. The case of prosecution is this, that the prosecutrix went missing on 16-06-2020. A missing report was lodged by her father on 17-06-2020. Subsequent to which, the prosecutrix was recovered on 13-07-2020 from the custody of this applicant. The prosecutrix was minor and therefore on the basis of her statement the offences of abduction and rape have been registered against the applicant.

6. Considered on the submissions. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and other circumstances present, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge