

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 993 of 2021

- Rajuram Chakradhari S/o Shri Shiv Prasad Chakradhari, Aged About 23 Years, By Caste - Kumhar, R/o. Village - Hinganjar, Thana Charama, District - North Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - AJAK Kanker, District - North Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Achyut Tiwari, Advocate on behalf of Mr. Sunil Sahu, Advocate.

For State/Non-applicant – Ms. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

17-03-2021

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 22-11-2020 in connection with Crime No.165/2020 registered at Police Station – AJAK, Kanker, District North Baster Kanker, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 04, 06 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (1) (w) & 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The statement of the prosecutrix under Section 164 of the Cr.P.C. shows that she was willing and consenting party and there is no allegation against the applicant. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has made allegation of rape against this applicant in her statement under Section 161 of the Cr.P.C. and that she was

minor of age below 18 years, apart from being a member of Scheduled Tribes. Therefore, no case is made out grant of bail.

4. Notice issued has been returned served to the complainant, but there is no appearance and no representation.

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

6. The prosecution case is this, that this applicant abducted the minor prosecutrix on pretext of marrying her and then he continuously had physical relation with her knowing well that she was minor and also a member of Scheduled Tribes, regarding which offences have been registered against the applicant.

7. Considered on the submissions. After looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. copy of which is filed along with the application, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge