

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1555 of 2021

- Raju Chouhan @ Rajkumar Chouhan S/o Nawal Prakash Chouhan
Aged About 22 Years Caste - Chikwa, R/o Village- Sarga, Police Station-
Sitapur, District- Sarguja (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -
Bagicha, District - Jashpur (Chhattisgarh)

---- Non-applicant

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate.
For Non-applicant/State	:	Ms. Anjali Singh Chouhan, Panel Lawyer.

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

02-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 29.06.2020, in connection with Crime No.67/2020 registered at Police Station-- Bagicha, District- Jashpur, C.G. for offence punishable under Sections 363, 366 and 376(2)(a) of I.P.C. and Sections 04, 05(a) and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The relationship of the applicant with the prosecutrix was consensual. The father and the mother of the prosecutrix have been examined in the trial, who have not supported the prosecution case and the statement of the prosecutrix in the trial is not reliable. The applicant is in jail since 29.06.2020. 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 the prosecutrix was minor, therefore, any willingness or consent on her part is immaterial, therefore, this application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then, on pretext of marrying her, he had made physical relation with her on numerous occasions, because of which she became pregnant. The applicant has then refused to marry the prosecutrix. Hence, this case.
6. Considered on the submissions and also perused the copy of depositions of the witnesses filed along with the application for the present, I am of this view that the applicant should be granted regular bail during the pendency of trial.
7. Consequently, this application filed by the applicants 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 two local surety each 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