

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1740 of 2021

- Suresh Chouhan S/o Ful Sai Chouhan, Aged About 26 Years, R/o Devermal, Police Station Urga, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Station House Officer, Police Station Kartala District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant –Shri Mirza Kaisher Beg, Advocate.

For State/Non-applicant – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-03-2021

Heard.

Admit.

Learned counsel for the State submits that the case diary is available.

Both the counsel have agreed to argue on this application finally.

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 14-01-2021 in connection with Crime No.04/2021 registered at Police Station – Kartala, District Korba, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 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 on the date of incident and her statement under Section 164 of the Cr.P.C. reveals that she was a willing and consenting party. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident, therefore, her

consent and willingness is immaterial. Hence, the application may be rejected.

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

5. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody in confinement and also sexually exploited her knowing well that she was not capable of giving consent.

6. Considered on the submissions. After looking to the facts and circumstances and taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C., 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