

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2293 of 2021**

- Ajay Choudhary, S/o Shri Ramchandra Choudhary, Aged About 21 Years R/o Village Bariyo, Chowki Bariyo, Police Station Rajpur, District-Balrampur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Ajak Ambikapur, District-Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vinod Kumar Tekam, Advocate.
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For State/respondent	: Mr. Alok Nigam, Govt. Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/07/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.01/2021 registered at Police-Station-Ajak Ambikapur, District-Sarguja(C.G.) for the offence punishable under Sections 376(2)(n) of IPC and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 06.01.2021. Charge-sheet has been filed. The story of the prosecution itself shows, that there had been an affair with consensual relationship of the applicant with the prosecutrix and when the applicant has

refused to marry the prosecutrix, the false FIR has been lodged. The prosecutrix is not minor. The age proof present in the case diary and charge-sheet, are erroneous, which shall be challenged in the trial, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix had been of age only 15 years, when she was abducted and then raped by this applicant continuously for about two years, therefore, the applicant is not entitled for grant of bail.
4. Notice was issued to the complainant/prosecutrix which has been returned served, but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 2.6.2018, kept her in his custody for about two years until 24.10.2020. During which, he had physical relation with her, knowing well that she was not capable to give consent for such relation being minor. Subsequently, when the applicant has refused to marry the prosecutrix, she herself has lodged the FIR.
7. Considered on the submissions and the facts present in the case, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha