

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3511 of 2021**

Tarunraj Chauhan @ Sam Kumar @ Pappu, S/o. Sitaram Chauhan, aged about 19 years, residence of Amariyapara Baloda, Police Station Baloda, District Janjgir Champa Chhattisgarh. Local Address Kuabhatta, Op Manikpur, Police Station Kotwali, District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Kotwali, Korba District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Kumar Pandey, Advocate
For Respondent/State	: Mr. Anil Tripathi, P.L.
For Complainant	: Mr. Shubham Dev Malic, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/07/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.73/2021, registered at Police Station – Kotwali, Korba, District – Korba (C.G.) for the offence punishable under Section 363, 366-A, 376 of the Indian Penal Code and Section 4 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 02.02.2021. The prosecutrix has given statement under Section 164 of Cr.P.C., which shows that she was willing and

consenting party and she was person, who has forced the applicant to marry her and have physical relation with her. Prosecutrix was not minor on the date of incident, therefore, there is no case present against the applicant. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has given statement before the Child Welfare Committee, where she has made allegation of rape against this applicant. Further she being a minor was not capable to give consent, therefore, the application be rejected.
4. Counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and had physical relation with her knowing well that she was minor and was not capable to give consent.
7. Considered on the submissions and the facts & circumstances of the case and also taking into consideration the statement of no objection made by the complainant side, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram