

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4723 of 2021**

Bhajan Ram Ravi S/o Nanhi Ram Aged About 52 Years R/o Village- Kuruwa,
Police Station- Bishrampur, District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station- Surajpur, District- Surajpur, Chattisgarh.

---- Respondent**And****M.Cr.C. No. 4323 of 2021**

Rajesh Kumar Choudhari S/o Bhikhu Ram Aged About 19 Years Caste -
Chamar (Harijan), Occupation Student, R/o Talawpara, Getra, Police Station
And Tahsil Surajpur, District Surajpur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Though Station House Officer, Police Station
Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Anil Gulati and Shri R.V. Rajwade, Advocates.
For the Respondent/State	:	Shri Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2021**

Heard.

1. Both these applications are decided by a common order as they arise from the same crime number. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.23 of 2021, registered at Police Station Surajpur, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(dha) and 368 read with Section 34 of the Indian Penal

Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that they are in jail since 21.2.2021 and have been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that she had an affair with applicant – Rajesh Kumar Choudhari because of which, she herself went with him and had physical relation, which was consensual. The allegation against applicant – Bhajan Ram Ravi is only to this extent that he had provided shelter to applicant – Rajesh Kumar Choudhari in his house. Hence, it is prayed that these applicants may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the prosecutrix was minor on the date of incident. The statement of the prosecutrix under Section 161 of the Cr.P.C. clearly shows that she was physically exploited on pretext of marriage by applicant – Rajesh Kumar Choudhari in which applicant – Bhajan Ram Ravi also given assistance, therefore, the application in both the cases may be rejected.

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

5. As per the prosecution case, it is alleged that applicant - Rajesh Kumar Choudhari abducted the minor prosecutrix, took her to the place of his relatives where while their stay he had physical relation with the minor prosecutrix. Lastly, he was residing in the house of applicant – Bhajan Ram

Ravi when the prosecutrix was recovered from that place.

6. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C., I feel inclined to grant bail to the applicants in both the cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. of the applicants in both the cases are allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them 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 their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge