

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4343 of 2021

- Jaswant Kumar Chauhan S/o Late Punit Ram Chauhan, Aged About 21 Years, R/o Village Devarghata, Police Station Shivrinarayan, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station Gaindatola, District - Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Manoj Chauhan, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2021

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 14-02-2021 in connection with Crime No.06/2021 registered at P.S. - Gaindatola, District Rajnandgaon, Chhattisgarh for the offence under Section 363, 366 (क), 376, 376(2)(क), 376(3) of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 14-02-2021. Charge sheet has been filed. The statement of the prosecutrix Section 164 of the Cr.P.C. clearly shows that she had love affair with the applicant and it was on her phone call the applicant had come and taken her to his place where he had physical relation with her after performing marriage with her. Therefore, there is no case present against the applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix had been below 16 years, therefore, her consent and willingness is immaterial. Hence, the application may be rejected.

4. Complainant Rajulal Yadav had virtually appeared before this Court on 29-07-2021 on notice and he had objected in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant had abducted the minor prosecutrix, kept her in his custody and had physical relation with her knowing well that she was minor and therefore, was not capable of giving consent.
7. Considered on the submissions. Taking into consideration the statement of the prosecutrix under Section 164 of the Cr.P.C. and the circumstances present , I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge