

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6510 of 2021**

- Chandrabhan @ Chandra Bhuwan S/o Shri Amar Singh Kange Aged About 33 Years R/o Village Kurutola Awaspara, Thana And Tahsil Charama, District North Baster Kanker Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Charama, District North Baster Kanker Chhattisgarh.

---- Respondent

 For Applicant : Shri Sunil Sahu, Advocate
 For Respondent/State : Ku. Akshara Amit, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****24.11.2021.**

1. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant who has been arrested on 09.8.2021 in connection with Crime No.108/2021 registered at Police Station Charama Distt. North Baster Kanker (C.G.), for the offence punishable under Sections 376, 323, & 506 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that in the night of 05.8.2021, the applicant forcibly took the prosecutrix, aged about 19 years, to his house, kept her there for the night and next day and on pretext of marriage, he sexually abused her. Based on the above facts, present crime was registered against the applicant under Sections 376, 323 & 506 IPC.

3. Learned counsel for the applicant submits that prosecutrix is 19 years young girl, there was love affair between the prosecutrix and the applicant and it is a matter of consent and not a case of rape. Since the family members and the villages came to know about their relationship, present case has been given the colour of rape. He would next submit that the applicant is in jail since

09.8.2021, charge sheet has been filed, hence, the applicant may be released on bail.

4. On the other hand, learned counsel for the State while vehemently opposing the bail application submits that it is a case of rape which is heinous crime, hence, the applicant is not liable to be released on bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, also taking into consideration the statement of victim/prosecutrix recorded under Section 161 CrPC, detention period of the applicant, and considering the fact that charge sheet has been filed, without commenting on the merits of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE