

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 8692 of 2020**

Sumeet Chouhan, S/o. Bhola Chouhan, aged about 22 years, Resident of Chouhan Para Sarangarh, Police Station Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through : District Magistrate Raigarh, District Raigarh Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Vikash Shrivastava, Advocate |
| For Respondent/State | : Mrs. Smita Jha, P.L.             |

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

**Order On Board****20/01/2021**

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.302/2020, registered at Police Station –Sarangarh, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of Cr.P.C. clearly exonerates the applicant. Hence, it is prayed that the applicant may be enlarged on

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 made clear allegation against the applicant in her statement under Section 161 of Cr.P.C.. Hence, this applicant is not entitled for grant of bail.
4. Complainant Santoshi Sahni is present before this Court on notice. She has stated that she 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, it is alleged that this applicant abducted the minor prosecutrix then kept her to his own house where he kept her confined for about six months and established physical relation with her on numerous occasions regarding which FIR has been lodged.
7. Considered on the submissions and the facts present in this case. The statement of the prosecutrix under Section 164 of Cr.P.C. has omissions compared to the statement given by her under Section 161 of Cr.P.C.. Further there is no objection from the complainant side, hence for this reason, 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