

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 8107 of 2020**

Arjun Dewar, S/o. Shersingh Dewar, aged about 23 years, Resident of Village Laxmanpur, P.S. Chuikhadan, Tehsil Chuikhadan, Distt. Rajnandgaon Chhattisgarh.

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

State of Chhattisgarh, Through : The Police Station -Arjunda, Distt. Balod, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Raza Ali, Advocate

For Respondent/State : Mr. B.P. Banjare, Dy.G.A.

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

**Order On Board****07/01/2021**

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.191/2020, registered at Police Station –Arjunda, Balod, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 5 (L), 6 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. There had been an affair between the applicant and the prosecutrix. The prosecutrix is not

minor, which is reflected from the date of birth recorded in Aadhar Card, which is produced along with the application. The applicant and the prosecutrix both have married, in fact it had been a marriage based on negotiation, in which, sister of the applicant was married to the brother of the prosecutrix. As the sister of the applicant has lodged one FIR under Section 498 of I.P.C. against the brother of the prosecutrix, therefore, because of this reason, the false FIR has been lodged against the applicant. The FIR in this case is also delayed. It is prayed that the applicant be granted 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 under Section 161 of Cr.P.C. according to which, it is clear case of abduction and rape. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix got acquainted, then on 07.10.2019 on a call made by the applicant, the prosecutrix went to meet him, from where, he took her to his place of residence, where he kept her in confinement and exploited her sexually. The prosecutrix was minor during the period of this incident. The prosecutrix was recovered on 08.10.2020, when she has made this statement against this applicant. Hence, this case.
6. Considered on the submissions and the facts present in this case. After considering the statement that has been made by the prosecutrix and other circumstances present, this Court is of the opinion that

present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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