

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.8822 of 2020**

- Lalit Kumar Chauhan S/o Sukaru Ram Chauhan Aged About 23 Years  
R/o Village- Aamapali, PS And Tahsil- Lailunga, District- Raigarh, Civil  
And Revenue District- Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Officer- In- Charge Police Station-  
Lailunga, District- Raigarh, Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Ashutosh Mishra, Advocate.

For Non-applicant/State : Ms. Smita Jha, Panel Lawyer.

Mr. Ajeet Kumar Yadav, Advocate for the complainant.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**12-01-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 20.10.2020, in connection with Crime No.241/2020, registered at Police Station- Lailunga, District- Raigarh C.G. for offence punishable under Sections 363 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The F.I.R. and the statement of prosecutrix under Sections 161 and 164 of Cr.P.C. do not mention about any allegation of rape against this applicant. On the contrary, the applicant had asked the prosecutrix to go home because it was late hours. Hence, there is no case against this applicant, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submissions made in this respect.

4. Learned counsel for the complainant submitted that the complainant has no objection 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, on the date of incident, this applicant caught hold of the minor prosecutrix and took her to jungle and thereafter the co-accused- Shravan Kumar came on the spot and took the prosecutrix further in jungle and committed the offence of rape with her. Hence, this case.
7. Considered on the submissions and the facts present in the case and after perusing the statement of prosecutrix under Section 164 of Cr.P.C. and also the other circumstances that are 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, on condition as imposed by the concerned Court.
9. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge