

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8994 of 2020

- Rakesh Chouhan S/o Lakesir Chouhan Aged About 21 Years R/o Village Jampali, Tahsil And District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Chakradhar Nagar, District Raigarh Chhattisgarh

---- Non-applicant

For Applicant : Ms. Sharmila Singhai, Advocate.

For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-02-2021

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 08.11.2020, in connection with Crime No.434/2019, registered at Police Station-- Chakradhar Nagar, District- Raigarh, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and under Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. No case is made out against the applicant. The applicant and the prosecutrix both had a love affair. The prosecutrix has stated in statement under Section 164 Cr.P.C. before the Magistrate that she had left her parental house and then was residing with her aunt until she attained the age of majority and subsequent to that she married the applicant and had physical relation with him. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix has made clear allegations against the

applicant in her statement under Section 161 of Cr.P.C., therefore, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix on 26.11.2019 and then by keeping her in his custody continuously, he had physical relation with her which amounts to commission of offence of rape. The prosecutrix was recovered on 08.11.2020 from the custody of this applicant. On the basis of the statement given by her the offences have been registered against this applicant. Hence, this case.
6. After considering on the submissions and the facts present in this case and also the statement that has been given by the prosecutrix under Section 164 of Cr.P.C., I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge