

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8185 of 2021**

Lalit Chaturvedi, S/o Jeevan Chaturvedi, Aged About 19 Years
R/o Latera, Police Station - Gidhpuri, District - Balodabaar -
Bhatapara Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through The Police Station Gidhpuri
District - Balodabaar - Bhatapara Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Supriya Upasane, Advocate
For Non-applicant/State : Mr. Vimlesh Bajpai, Govt. Advocate
For Prosecutrix/complainant : None

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****06.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 02.09.2021 in connection with Crime No.64 of 2021 registered at Police Station Gidhpuri, Balodabazar Bhatapara (C.G.) for commission of offence punishable under Sections 363, 366, 376, 342 and 34 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(V)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 31.08.2021, prosecutrix left her house along with co-accused Kishore Kosle for Raipur. Applicant also accompanied with them and came to Raipur. On the way, Kishore Kosle stopped for snacks and after

eating snacks, prosecutrix felt some uneasiness. Lalit Chaturvedi (present applicant) went away leaving the prosecutrix and Kishore Kosle. Kishore Kosle took prosecutrix to his own residence and committed sexual intercourse with her. On the next day, prosecutrix was left at Raipur. Prosecutrix went to house of one another co-accused Parmeshwar Sahu and stayed there. Co-accused Parmeshwar Sahu also committed sexual intercourse with prosecutrix. Grandfather of prosecutrix lodged missing report on 31.08.2021. During course of investigation, prosecutrix was recovered from possession of co-accused Parmeshwar Sahu on 02.09.2021. Based on statement of prosecutrix, aforementioned crime was registered and Applicant along with other co-accused were arrested.

3. Ms. Supriya Upasane, learned counsel for the applicant would submit that there is no allegation of abduction and committing sexual intercourse with prosecutrix against the applicant. As per the contents of statement recorded under Sections 161 and 164 of Cr.P.C. of prosecutrix, only allegation against the applicant is that he accompanied with Kishore Kosle and prosecutrix when they were going to Raipur on motorcycle on 31.08.2021. In support of her contention, she read over the statement of prosecutrix recorded under Section 161 of Cr.P.C. She further submits that applicant is in jail since 02.09.2021, hence, he may be enlarged on regular bail.
4. Mr. Vimlesh Bajpai, learned Govt. Advocate for the State opposing the submissions made by learned counsel for the applicant, would

submit that prosecutrix left her house along with applicant and one Kishore Kosle and there is *prima facie* involvement of applicant in commission of crime. He read over the statement of prosecutrix recorded under Section 161 of Cr.P.C. dated 04.09.2021 as also statement under Section 164 of Cr.P.C. in support of his contention.

5. No one appeared on behalf of prosecutrix/complainant though served.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, statement of prosecutrix recorded under Sections 161 and 164 of Cr.P.C. wherein as per submission of learned counsel for the parties, there is no allegation of committing sexual intercourse with prosecutrix against the applicant, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the

prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh