

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.9106 of 2020**

- Subhash Chouhan S/o Moti Lal Chouhan, Aged About 21 Years R/o Mithumuda Bajrangbali Chowk, Raigarh Tehsil And District Raigarh (Chhattisgarh)

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through Station House Officer, P.S. Jutemill, District Raigarh Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Krishna Tandon, Advocate.

For Non-applicant/State : Mr. Kunal Das, Panel Lawyer.

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

**08-03-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 19.07.2020, in connection with Crime No.543/2019 registered at Police Station-- Jutemill, District- Raigarh, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix has been examined in trial and she has clearly stated that she was not minor on the date of incident and further, her relationship with the applicant was consensual. Therefore, there is no case against this applicant. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and therefore, any consent

or willingness is on her part of no consequence. Therefore, it is prayed that this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the minor prosecutrix was abducted by this applicant and then he took her to Punjab, where the applicant and the prosecutrix married each other and made physical relation, which has resulted in her pregnancy and birth of a child. Hence, this case.
6. Considered on the submissions and perused the certified copy of deposition of the prosecutrix and looking to the same, 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 two local 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