

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 61 of 2021

- Suraj Kumar Choudhary, S/o Dhanji Choudhary, Aged About 19 Years, R/o Vill. Piro, Distt. Bhojpur, Bihar, District : Bhojpur, Bihar.

---- Applicant

Versus

- State of Chhattisgarh Through P.S.- Kotwali Jagdalpur, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash A. Shrivastava, Advocate.

For Respondent/State : Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/02/2021

Heard.

1. Admit.
2. Learned State counsel submits that the case diary is available.
3. Learned counsel from both the sides have agreed to make their submissions.
4. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.378/2020 registered at Police-Station-Kotwali Jagdalpur, District-Bastar(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and

Section 04 of POCSO Act.

5. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix was minor on the date of incidence. The relationship of the applicant with the prosecutrix was consensual. Further, her statement under Section 164 CrPC clearly is in favor of this applicant. The applicant is in jail since 13.8.2020, therefore, it is prayed that he may be enlarged on regular bail.
6. 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 age of prosecutrix was below 18 years on the date of incident and the prosecutrix admitted her physical relation with this applicant. This act alleged against the applicant amounts to commission of offences of abduction and rape, hence, the application be rejected.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. As per prosecution case, this applicant abducted the minor prosecutrix on 8.8.2020. On 11.8.2020, the mother of the prosecutrix lodged FIR against this applicant. Subsequently, on the basis of the statement of the prosecutrix, the other offences of abduction and rape etc. have been registered against this applicant.
9. Considered on the submissions and the facts of the case. After looking to the statement that has been given by the prosecutrix under Section 164 CrPC, I feel inclined to allow the application of this applicant.
10. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha