

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3787 of 2015**

- Digeshwar Sahu, S/o Hiranman Sahu, aged about 23 years, Resident of Rasouta, Police Station- Palari, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through the Station House Officer, Police Station Palari, Civil and Revenue District Baloda Bazar, District Bhatapara (C.G.)

----Non-applicant

For Applicant: Mr. J.R. Verma, Advocate.
 For Respondent/State: Mr. Suvigya Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****10/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 46/2015 registered at Police Station Palari, Civil & Revenue District – Baloda Bazar-Bhatapara for the offences punishable under Sections 376, 363 & 366 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

(2) Case of the prosecution is that applicant abducted and committed sexual intercourse with the prosecutrix on 14.02.2015 and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is major and consenting party to the act of the applicant and, as such, applicant has love affair with the prosecutrix for the last 3 years, and she is carrying pregnancy of four months; applicant is languishing in jail since 09.07.2015 and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration nature and gravity of the offence; looking to the nature & gravit of the offences; and further considering the statement of the prosecutrix recorded under Section 161 CrPC during trial, in which, she has not supported the case of the prosecution; and the facts that applicant is in jail since 09.07.2015 and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

