

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3937 of 2015

Param Jeet Sahu, aged about 22 years, S/o Ram Nihora Sahu, R/o Bajrang Video Gali, Darri, Thana Darri, Tahsil Katghora, District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Aarkshi Kendra Darri, District Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Arvind Shrivastava, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.42/2015 {Special ST No.12/2015 pending in the Court of Additional Sessions Judge (FTC), Korba} registered at Police Station: Aarakshi Kendra, Darri, Distt. Korba, for the offence punishable under Sections 363, 366A, 376 of the IPC and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 21-4-2015, the applicant has allegedly kidnapped the minor prosecutrix and committed forceful sexual intercourse with her against her will and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime, in fact, the prosecutrix is major and she had already married the applicant and charge-sheet has been filed. The prosecutrix, her father and one Basanti Sahu, all three witnesses, have been examined and they have not supported the case of the prosecution. The applicant is in jail since 23-4-2015 and no

useful purpose will be served by detaining him further in jail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, age of the prosecutrix, evidence available relating to her age, medical evidence available, the fact that three witnesses including the prosecutrix have already been examined, charge-sheet has been filed, no custodial interrogation of the applicant is required and pre-trial detention of the applicant, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge