

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5597 of 2016

- Panna Lal Sahu S/o Laharam Sahu Aged About 21 Years R/o Village Raseda; Police Station City Kotwali, Baloda Bazar; District - Baloda Bazar Bhatapara Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh through Police Station City Kotwali Balodabazar; District - Balodabazar - Bhatapara Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Sumit Jhanwar, Advocate
For the Respondent	:	Mr. Anupam Dubey, Govt. Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 197 of 2016 registered at P.S. City Kotwali, Balodabazar, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 4 of the Protection of Children from Sexual offences, Act, 2012.
2. As per the prosecution case, a report was made by one Manohar Singh Dhruv that his minor daughter was found missing on 28.05.2016 and subsequently the girl was recovered and on enquiry it was revealed that the applicant has enticed away the minor girl and thereafter committed forcible sexual intercourse with her thereby the offence was committed.
3. Learned counsel for the applicant would submit that in fact

the girl never wanted to stay in the house and when she went out of the home to commit suicide, she was saved by the present applicant and before committing suicide, she called the present applicant and he rushed to the spot and saved her life and subsequently the girl was sent to her home, therefore, false allegations have been levelled against this applicant. He further submits that the charge sheet has been filed and the applicant is in jail since 29.05.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim u/s 161 and 164 Cr.P.C., wherein she has stated that when she wanted to commit suicide she was saved by the present applicant and thereafter she was sent to her home.
6. Considering such statement of the victim girl and the background of the case as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 29.05.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE