

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5783 of 2016**

- Jageshwar Prasad Sahu S/o Sarju Ram Sahu Aged About 20 Years  
R/o Village Mehna, Police Station Nandghat, District Bemetara,  
Chhattisgarh. --- **Applicant**

**Versus**

- State of Chhattisgarh through the Police Station Nandghat, District  
Bemetara, Chhattisgarh. --- **Respondent**

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| For the applicant  | : | Mr. P.P. Sahu, Advocate.       |
| For the Respondent | : | Mr. Vinod Tekam, Panel Lawyer. |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**27.09.2016**

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. 219 of 2015 (*wrongly mentioned as Crime No.219 of 2016 in the order sheet*) registered at P.S. Nandghat, Distt. Bemetara (C.G) for the offence punishable under Section 363, 366, 376 of IPC and Section 5(Tha) & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 18.06.2015 a missing report was made by the father of the girl that the girl was found missing from 17.06.2015. Subsequently the girl was recovered on 31.07.2016 and on enquiry it was revealed that the applicant enticed away the minor daughter and thereafter committed forcible sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that the victim girl went along-with the applicant of her own and they went to Delhi where they were working as Masons and thereafter she

delivered a male child on 05<sup>th</sup> May, 2016 and thereafter the applicant got injured while working. Ultimately they came back to Bilaspur where he was arrested. He further submits that the applicant and victim girl have performed marriage and false allegations have been attributed, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim under Section 164 Cr.P.C., wherein she has stated that she went along-with the applicant to Delhi and thereafter a child was born.
6. Taking into such statement of the prosecutrix as also the fact that the charge sheet in this case has been filed and no further investigation is necessary, without any further observation on merits of the case, 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**