

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4481 of 2017

- Lekhram Sahu Alias Konda S/o Mahavir Sahu, Aged About 21 Years
R/o Village Matiya, Police Station Bhatapara, District Balodabazar
Bhatapara Chhattisgarh Civil & Revenue District Balodabazar
Bhatapara

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police
Station Nandghat, District Bemetara Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vivek Shrivastava, Advocate.
For Respondent/State	:	Mr. Arvind Kumar Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 55/2017, registered at Police Station- Nandghat, District – Bemetara(C.G.) for the offence punishable under Sections 363, 366 and 376 of Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POSCO Act').
2. Learned counsel for the applicant submits that applicant is in jail since 27.2.2017 for the alleged offences. Applicant is innocent and has been falsely implicated in this case. Prosecutrix in this case has though supported the prosecution in her statement under Section 161 of Cr.P.C., but she has given a different statement before the Judicial

Magistrate First Class under Section 164 of Cr.P.C. stating that no incident took place as alleged in the case. It is also submitted that the medical report also does not support the prosecution version. The trial of the case is under progress. Looking to the material against the applicant, he is entitled for grant of bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that prosecutrix has given specific statement under Section 161 of CrPC against the applicant and the diary statement of other witnesses are sufficient against the applicant, hence, on the basis of seriousness of the charge levelled against him, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per investigation, prosecutrix is aged 15 years. Prosecutrix was enticed away and abducted by the applicant on 24.2.2017 from the custody of her legal guardians and applicant had sexual intercourse with her without her consent. Prosecutrix was recovered from the possession of the applicant on 27.2.2017. The case has been investigated and charge-sheet has been filed.
6. Considering the submissions made and contents of the case diary specifically the statement of prosecutrix under Section 164 of CrPC, I am of this view, that this is a fit case where applicant should be enlarged on bail.
7. 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha