

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1386 of 2018

- Pawan Kumar Sahu @ Pilaram S/o Santosh Sahu, Aged About 18 Years, 2 months, R/o.- Nayaganj Ward Bhatapara, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police of Police Station- Bhatapara Sahar, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06-12-2017 in connection with Crime No.360/17 registered at P.S. - Bhatapara Sahar, District – Baloda Bazar- Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 06-12-2017. The prosecutrix has been examined before the trial Court, who has not supported the prosecution case, hence, she has been declared hostile. Therefore, under these circumstances, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor

prosecutrix and committed rape with her. Hence, this case.

6. After due consideration on the material present in the charge sheet and on perusal of certified copy of the deposition of the victim in this case, which shows that she has not supported the prosecution case, I am of this view that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge