

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1708 of 2018

- Hemant Sahu @ Jaani S/o Late Ram Lakhan Sahu Aged About 22 Years R/o- Zone-3, In Front Of Ramchandrar Hotel, Khursipar, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- S.H.O. Khursipar, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate.
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/04/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.189/2017, registered at Police Station- Khursipar, Bhilai, District – Durg(C.G.) for the offence punishable under Sections 363 & 376 of the Indian Penal Code and Section 4 & 8 of the POCSO Act, 2012.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. No case is made out against him although the prosecutrix has given statement under Section 161 of CrPC against this applicant but the statement under Section 164 of CrPC recorded before the Judicial Magistrate First Class speaks differently, that no offence has been committed by this applicant, hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix statement under Section 161 of CrPC is sufficient for prosecution of this applicant and, further, the age of prosecutrix was merely 16 years on the date of incident. Hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case of prosecution is this, that this applicant abducted minor prosecutrix aged 16 years on 23.7.2017 and thereafter he established physical relation with her. The prosecutrix came back after making her escape on 27.7.2017 thereafter on the basis of the statement given by her, offences have been registered against this applicant.
6. Perused the case diary specifically perused the statement under Section 164 of CrPC which speaks different story, for this reason, I am of this opinion that the applicant should be enlarged on regular 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 her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha