

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.1979 of 2018**

Vishal Sahu, S/o Santosh Kumar Sahu, aged about 22 years, R/o Santoshi Nagar, Matpuraina, Behind Simran City, Nearby Old Veterinary Hospital, P.S. Tikrapara, Raipur, District Raipur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****30.4.2018**

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.213 of 2017 registered at Police Station New Rajendra Nagar, Raipur for offence punishable under Sections 363 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 19.11.2017, Complainant Rajaram Sahu lodged a report in police station that some unknown person, by alluring his minor daughter, had taken her away from his lawful guardianship. During inquiry, the girl was recovered and the aforesaid Crime No.213 of 2017 was registered against the Applicant and he has been arrested on 15.12.2017.

3. Learned Counsel appearing for the Applicant submits that there was a love affair between the girl and the Applicant. On the date of incident, the girl was major and was a consenting party. During her examination in the Court, she has not supported the case of the prosecution at all and has been declared hostile. Therefore, the Applicant may be released on bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Having considered the facts and circumstances of the case, particularly that the girl has not supported the case of the prosecution and she has been declared hostile, I am inclined to enlarge the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE