

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2144 of 2018

- Bhuvan Sahu @ Bhunu S/o Mohan Lal, aged about 26 years, R/o Karamtara, Thana-Lalbag, Tahsi/District- Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through: Thana- Lalbag, Distt.- Rajnandgaon (Chhattisgarh). (Through- wrongly mentioned as Public prosecutor).

---- Non-applicant

For Applicant	: Mr. Samir Singh, Advocate.
For Respondent/State	: Mr. Vinod Kumar Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/05/2018

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 have been arrested in connection with Crime No. 146/2017 registered at Police Station- Lalbag, District- Rajnandgaon (Chhattisgarh) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & Section 4 of POCSO Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as no case is made out against this applicant. He further submits that applicant is in jail since 11.01.2018. The prosecutrix and the applicant had love affair between them because of which, she willingly accompanied with this applicant and both have got married. The age of the prosecutrix was above 18 years

on the date of incident, Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application.
4. Heard both the parties and perused the case diary.
5. The case of the prosecution is that on the date of incident the prosecutrix was minor and she was abducted on 18.04.2017. A missing report was lodged on 20.04.2017, after lodging the FIR, prosecutrix was recovered on 11.01.2018 from the custody of this applicant thereafter on the basis of statement given by her offences were registered against this applicant. Hence this case.
6. Considered the contents of the case diary and perused the statement under section 161 of Cr.P.C. given by the prosecutrix and looking to the report of Radiologist in which it is reported that the age of the prosecutrix might be 18 to 19 years on the date of incident, for this reason, I am of this opinion that applicant should be benefited with grant of 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 his 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 his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge