

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2932 of 2018

- Ishwar Sahu S/o Ramkumar Sahu Aged About 27 Years R/o Village Gaormati, Police Station And Tahsil Sahaspur Lohara, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate.

For Respondent : Mrs. Smita Ghai, Panel Lawyer.

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

21/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.198/2017 registered at Police Station- Sahaspur Lohara, District – Kabirdham(C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 3 & 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 24.3.2018. After completion of investigation, charge-sheet has been filed. No case is made out against him. The age of prosecutrix is more than 18 years and that she was a consenting party through out, hence,

it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the age of prosecutrix was 16 years on the date of incident, theory of consent of her is totally immaterial., hence, application be rejected.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant is this, that he abducted the minor prosecutrix and thereafter she resided continuously with this applicant in Pune, where the applicant subjected her to forceful sexual relationship. The applicant was arrested on 23.3.2018 when the applicant and the prosecutrix came back to the village and prosecutrix was recovered from the custody of this applicant. Hence, this case.
6. After considering on all the material present in the case diary and looking to the statement given by prosecutrix, I am of this view that applicant should be granted 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 trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge