

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3589 of 2018**

Puneet Kumar Sahu, S/o Dayalu Ram Sahu, Aged About 32 Years, R/o- Village Parpoda, P.S. Saja, District- Bemetara, Chhattisgarh, Presently R/o- Tiranga Chowk, Amleshwar, P.S. Amleshwar, District- Durg, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, P.S. Mohannagar, Durg, District- Durg, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Amiyakant Tiwari, Advocate.
For Non-Applicant/State : Shri V. B. Singh, P. L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****18.09.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the applicant Puneet Kumar Sahu, as he has been arrested on 19.01.2018 in connection with Crime No. 243/2016, registered in Police Station Mohannagar, District Durg (C.G.) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code, 1860 (for short 'IPC, 1860') and Section 6 of the Protection of Children from the Sexual Offences Act, 2012 (for short 'POCSO, Act 2012').
2. The case of the prosecution is that the mother of the prosecutrix,

namely, Chandrakala, has lodged the report on 14.05.2016, that someone has abducted her daughter. On the basis of the said report, an investigation has been made which reveals that the present applicant has committed the sexual intercourse with the prosecutrix, the minor, aged 15 years 6 months old, on the pretext of marriage with her. Further prosecution story is that the present applicant has forcefully kept the said prosecutrix in his friend Kishan Mandle's house, the other co-accused person and thereafter sent her to Raigarh with his said friend who has kept her with him and as per the instructions of present applicant, he (Kishan Mandle) took the prosecutrix to Sultanpur (U.P.), where he kept her for 3 months and thereafter took her to Nawagarh (Bemetara). It reveals further from the investigation that said Kishan kept her (prosecutrix) with his parents for a period of 3 months and then took her to the village Kavas at Gujarat, where he assaulted the prosecutrix and committed sexual intercourse with her. Based upon this investigation, the charge sheet has been filed on 10.04.2018 before the concerned Court for the offence as mentioned aforesaid.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the aforesaid crime. According to him, the prosecutrix though alleged against the present applicant in her statement recorded under Section 161 of Cr.P.C., but has not stated anything against him regarding alleged sexual intercourse in her statement recorded under Section 164 of Cr.P.C. He submits further that the entire allegation was infact against the co-accused person, namely,

Kishan Mandle and not against the present applicant, and therefore, under such circumstances, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the offence which has been registered against the applicant is serious in nature and the evidence of the prosecution witnesses are yet to commence, therefore, the applicant is not entitled to be enlarged on bail.
5. I have heard learned counsel for the parties and perused the entire case diary carefully.
6. Having considered the facts and circumstances of the case, the manner in which the alleged offence has been committed by the applicant and that by considering further the age of the prosecutrix, I am not inclined to release the applicant on bail at this stage. The application is accordingly rejected.

Sd/-
(Sanjay Agrawal)
Judge