

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4459 of 2018**

Sumit Kumar Sahu, S/o. Rajkumar Sahu, Aged About 27 Years, R/o. Kabir Nagar, Atal Awaas Block No. 10, House No.193, P. S. Kabir Nagar, District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through P. S. Kabir Nagar District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Devershi Thakur, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2018**

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.93/2015, registered at Police Station- Kabir Nagar, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of POCSO Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 17.01.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix in this case is a major lady and the relation with the applicant is based on consent and she has also been examined before the trial Court and has not supported the prosecution case. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. It is alleged that this applicant abducted the minor prosecutrix on the date of incident and thereafter by taking her to Jammu, he kept her in confinement and exploited her sexually. Hence this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the certified copy of the deposition of the prosecutrix before the trial Court, in which she has stated that her age is about 22 years and she has married with this applicant and she has also not supported the prosecution case in any manner, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge