

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4495 of 2018

- Keshav Sahu @ Bunt S/o Ashok Sahu Aged About 19 Years R/o Village Kachandur, Nalapara, Chowki Jevrasirsa, P. S. Pulgaon, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg Chhattisgarh

---- Respondent

For Applicant : Mr. P.R. Patankar, Advocate

For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. Heard the matter finally.
2. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 34/2017, registered at Police Station – Jamul, District Durg (C.G.) for offence punishable under Section 363, 366-A, 376 of the IPC and section 5(l) and 6 of the Prevention of Children from Sexual Offence Act, 2012.
3. The first bail application was dismissed as withdrawn with liberty to revive the prayer after examination of the prosecutrix and evidence related to her age vide order 13.11.2017 in MCRC No. 3539 of 2017. The second bail application was also dismissed as withdrawn with liberty to file a fresh vide order dated 10.05.2018 in MCRC No. 3388 of 2018.

4. The allegation against the applicant is that he has abducted the prosecutrix who was minor on the date of incident and committed rape on the pretext of marriage.
5. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is in jail since 25.01.2017 i.e. about one year and 5 months and the trial has not been concluded.
6. Learned State counsel opposes the application for grant of bail.
7. Heard counsel for the party and perused the case diary.
8. Considering the material available on record and also the certified copy of deposition of the prosecutrix as PW-1, I am of the considered view that it is a fit case where the applicant should be enlarged on bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on 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.
11. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge