

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4640 of 2018**

Sagar Sahu, S/o. Shri Sanjay Sahu, Aged About 23 Years, R/o.- Bajrang Nagar, Ajanta Furniture Street, Police Station- Azad Chowk, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Azad Chowk, Raipur, District- Raipur, Chhattisgarh.

----- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/07/2018

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.275/2016, registered at Police Station- Azad chowk, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 14.11.2016. No case is made out against him. The prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution. 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. According to the prosecution case, this applicant abducted the minor prosecutrix and took her to a place in Orisa, where while staying for six days, he established physical relation with minor prosecutrix, which amounts to offence of rape. Hence, this case.
6. Considered the submissions made and the contents of the case diary and also perused the certified copy of the statement given before the trial Court. After due consideration of all the material present in the record, 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