

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4994 of 2018**

- Suresh Kumar Sahu @ Lallu S/o Shri Dharamjeet Sahu Aged About 19 Years R/o Jur. Police Station Patna District Korea, Presently Residing At Qtr. No. 241, Viratnagar, S. E. C. L. Pandavpara, Police Station Patna District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Anil Gulati, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/08/2018**

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.06/2018, registered at Police Station-Bhatgaon, District-Surajpur(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5) of Scheduled Caste &

Scheduled Tribe (Prevention of Atrocities) Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 28.3.2018. No case is made out against him according to the material present in the case diary, hence, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was minor at the time of incident, her age was about 16 years, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against the applicant is this, that he abducted the minor prosecutrix and took her to different places and then committed the offence of rape with her. Prosecutrix is a member of Scheduled Caste society, hence, the offence of Atrocities Act has also been registered against this applicant. Hence, this case.
6. After considering on all the material present in the case diary and also perused the statement given by prosecutrix under Section 164 of CrPC, it appears that she has omitted to state about the offence of rape having been committed by the applicant. For these reasons, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on

his furnishing a personal bond in the 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

Nisha