

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 5021 of 2018**

Tarjan @ Tarjan Sahu, S/o. Bhanupratap Sahu, Aged About 30 Years, R/o. Village Patora, P. S. Berla, District Bemetara Chhattisgarh. At Present R/o. Kailash Nagar Ward No. 3 House Of Krishna Sahu P. S. Kawardha District Kabirdham Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through P. S. Kawardha District Kabirdham Chhattisgarh.

**---- Respondent**

|                |   |                                    |
|----------------|---|------------------------------------|
| For Applicants | : | Mr. F.S. Khare, Advocate           |
| For Respondent | : | Mr. Anil S. Pandey, Govt. Advocate |

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**07/08/2018**

1. This is the first bail applications 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.414/2017, registered at Police Station- Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and U/s. 3, 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 17.12.2017. No case is made out against him according to the material present in the charge-sheet. The prosecutrix is aged about 18 years and was a consenting party. 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. It is submitted that looking to the statement given by the prosecutrix under Section 161 and 164 of Cr.P.C., no case is made out for grant of

bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The case against the applicant is this that he being married has given inducement to the minor prosecutrix that he wants to marry her and then abducted her and committed the offence of rape with her on number of occasions. After lodging of FIR by the father of the prosecutrix, she was recovered from the custody of this applicant and she has given statement against him. Hence, this case.
6. The date of birth of the prosecutrix is being disputed by the applicant and after considering the facts and circumstances of the case and looking to the pendency of the case against this applicant since more than six months, 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