

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5926 of 2017**

Santosh Kumar Sahu @ Raja Sahu, S/o. Keshav Ram Sahu, Aged About 20 Years, R/o. Ufra, P. S. Amleshwar, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P. S.- Amleshwar, District- Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.46/2017, registered at Police Station – Amleshwar, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is not a minor girl and she had been a consenting party in the entire incident and both of them had love affair. Father of the

prosecutrix has lodged false FIR against the applicant, applicant is in jail since 28.03.2017, the evidence recorded before the trial Court supports, the defence of the applicant, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the age prosecutrix at the time of the incident had been 16 years and 9 months, hence any consent given by her, is immaterial and offence is made out, therefore, the applicant is not entitled to be released on regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. A complaint was lodged by Bharat Bhushan Verma on 20.03.2017 that the applicant had enticed away and abducted his minor daughter on 16.03.2017. After recovery of the prosecutrix from the custody of the applicant, the prosecutrix gave statement that applicant had performed sexual intercourse with her on various occasions, thereby the case has been investigated and charge-sheet has been filed.
6. Considered on the submissions made and the contents of the case diary. Taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C., 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 the Cr.P.C. is allowed.

8. It is directed that applicant 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram