

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7490 of 2017

- Santosh Kumar S/o Dhaneshwar Sahu, Aged About 20 Years Caste Sahu, R/o Village Dhanika Tikra, P. S. Bhedan, District Bargarh (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	:	Mr. Hari Agrawal, Advocate.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

09/01/2018

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.315/2017, registered at Police- Station-Dabhra, District– Janjgir-Champa(C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code (for short 'IPC') and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The negotiation of marriage had taken place between the parents of applicant and prosecutrix and marriage was fixed to be performed later on when the prosecutrix becomes a major woman. Prosecutrix herself accompanied the applicant on her own free will and stayed with him

for some time. The father of the prosecutrix has lodged a false FIR against the applicant, still engagement for marriage is existing and the material witnesses have turned hostile before the trial Court. Hence, applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that on the date of incident, the prosecutrix was a minor, hence, consent in such case does not matter, hence, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Father of prosecutrix has lodged FIR by name against the applicant alleging that he had enticed and abducted the minor prosecutrix. On the basis of which, FIR has been registered.
6. Considering on the submissions and contents of the case diary, taking into consideration all the facts and circumstances of this case, I am of this view that applicant deserves to be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge