

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7552 of 2017

Mohan Sahu S/o Netram Sahu, aged about 20 years, R/o Daganiya,
Police Station Dhamdha, District Durg (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
-Dhamdha, District Durg (C.G.).

---- Respondent

For Applicant	: Mr. Amiyakant Tiwari, Advocate.
For Respondent	: Mr. Vinod Tekam, Panel Lawyer.

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

30/01/2018

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. 130/2017, registered at Police Station- Dhamdha, District Durg (C.G.) for the offence punishable under Section 376 of IPC and Section 5 (a) & 6 of Protection of Children from Sexual Offence Act, 2012.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant and the prosecutrix had love affair between them since two years prior to the date of lodging of FIR. Only when, the applicant refused to marry the prosecutrix, FIR has been lodged. It is prayed that he is in jail since 5.08.2017. After completion of investigation, charge-sheet has been filed. Applicant is willing to abide by all the conditions and direction, which may be imposed on him while granting bail. Hence, it is prayed that applicant may be enlarged on bail.
3. Learned State counsel opposes the bail application and submissions

made in this respect. It is submitted that on the alleged date of incident, the age of the prosecutrix was below 18 years according to the entries made in the school register, hence clearly offence is made out against the applicant, therefore, he may not be granted bail.

4. Heard both the parties and perused the case diary.
5. Prosecutrix lodged FIR at Police Station- Dhamdha, District- Durg alleging that applicant used to meet her and expressed his love for her and thereafter, on the pretext of marriage, he established physical relationship with her and committed sexual intercourse with the prosecutrix on number of occasions. In the result, prosecutrix became pregnant. When she told the applicant about her pregnancy, he refused to marry with her.
6. Considered the submissions and contents of the case diary, as the applicant is a local resident of District Durg and there is no likelihood of his absconsion. The trial is likely to take sometime for its conclusion. For this reason, I am of this view that this is a fit case where the applicant should be released 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 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