

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8167 of 2017

- Arvind Sahu @ Chhotu S/o Shatrughan Sahu, R/o Jarauda, Thana Vidhansabha, District Raipur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Aarakshi Kendra Vidhansabha District Raipur CG

----Respondent

For Applicant	:	Shri Arvind Shrivastava, Advocate
For Respondent/State	:	Ms M Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

01.03.2018

1) This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court. The applicant is arrested in connection with Crime No. 214/2017 registered at Police Station Vidhansabha, district Raipur (CG) for offences punishable under Sections 376(2)(e) & 313 of the IPC, Sections 4, 5(2)(j) and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) Case of the prosecution, in brief, is that date of birth of the prosecutrix is 06.10.1998, is resident of village Jarauda and she belongs to SC Caste. In the year 2014, when the prosecutrix was student of Class- XI, she developed love affair with the present applicant. In the year 2015, the applicant first time committed sexual intercourse with the prosecutrix on the pretext of marriage and when she became pregnant in that year, the applicant gave her medicine for abortion and miscarriage took place. Thereafter, he continued his physical relationship with her. The prosecutrix lodged report on 03.09.2017 in Police Station Vidhansabha, Raipur, on the basis of which FIR has been lodged.

3) As per the statement of the prosecutrix recorded under Section 164 (5) CrPC in the year 2016, the parents of the applicant had refused to accept her marrying the applicant. As per the statement of Ganesh Ram Sahu recorded under Section 161 Cr.PC, a Panchayat meeting was arranged in the year 2015.

4) Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case; the contents of the FIR and the statement of prosecutrix prove the relationship between them and the prosecutrix is a consenting party; Charge-sheet has already been filed in this case and the trial takes its own time, the present applicant may be released on bail.

5) On the other hand, the learned Panel Lawyer for the State opposed the bail application.

6) Looking to the facts and circumstances of the case; looking to the fact that the trial may take some time and there is no likelihood of the accused to abscond and tamper the evidence; present applicant is in custody since 04.09.2017, this Court is inclined to grant bail to the present applicant.

7) Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on furnishing two solvent sureties for a sum of Rs.10,000/- each with one personal bond of Rs.20,000/- to the satisfaction of concerned trial Court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge