

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 203 of 2019

- Dushyant Sahu S/o Ramesh Sahu Aged About 19 Years R/o Kurud, Police Station - Panduka, District - Gariyaband Chhattisgarh, Present Address - Chhattisgarh Nagar Karma Chowk, House Of Advocate Patel, Police Station - Tikrapara, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Tikrapara, District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Ms. Smita Jha, Advocate.
For Respondent/State : Mrs. Smita Ghai, PL.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

11/03/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 310/2018, registered at Police Station –Tikrapara, District- Raigarh (C.G.) for the offence punishable under Sections 376, 450, 342 & 506 of the IPC and Section 3 & 4 of the POCSO Act, 2012.
2. As per prosecution story, prosecutrix is a girl aged about 15 years. On 06.08.2018 prosecutrix herself lodged a report in police station, wherein, it has been alleged that on 05.08.2018 at about 10 PM when she was sleeping in her room, at that time the applicant forcibly entered in her room and locked the door from inside, he threatened her and also committed sexual intercourse

with her without her consent. He keeps her inside the room till the next morning and about 9 AM when prosecutrix shouted loudly, brother of the prosecutrix came there and opened the door after seeing the brother of the prosecutrix the applicant fled away from the spot. On the basis of above, offence has been registered against the applicant and he has been arrested on 07.08.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the prosecutrix has already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile, she categorically stated that her age is 19 years and no offence has been committed by the applicant with her. She further submits that mother of the prosecutrix has also examined before the Trial Court and she has also not supported the case of the prosecution and turned hostile, the applicant is in custody since 07.08.2018, charge-sheet has already been filed and trial will likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. Pursuant to order dated 30.01.2019 of this Court, victim/prosecutrix and her mother are present before this Court today. Their presence be marked. They submit that they have no objection regarding bail of the applicant.
6. I have heard learned Counsel for the parties as well as prosecutrix and her mother. I have also perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the

fact that the prosecutrix and her mother have examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the applicant is in custody since 07.08.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge