

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3349 of 2019

- Satish Sahu @ Sugriv S/o Devendra Kumar Sahu, Aged About 22 Years, R/o Village Bahti, Pathan Mohalla, P.S. Sikanderpur, District Baliya Bihar, Bihar

---- Applicant

Versus

- State of Chhattisgarh Through Chowki C.S.E.B., Police Station Kotwali, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikas Pandey, Advocate.

For Non-applicant/State – Shri Vikram Dixit, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-01-2019 in connection with Crime No.967/2018 registered at P.S. - Kotwali, District Korba, Chhattisgarh for the offence under Section 363, 366(A), 376 of the IPC and 4 of the POCSO Act 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 03-01-2019. The prosecutrix has made totally false allegations against the applicant. Later on, the prosecutrix has been examined before the trial Court and she has not made any statement against the applicant, because of which she has been declared hostile, hence, there is nothing left in the prosecution case against the applicant. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. The complainant/information of this case has been served with notice

issued in compliance with Section 439(1A) of the Cr.P.C., but, the complainant/informant is not present and neither represented.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the FIR lodged, this applicant allured the minor prosecutrix with false promise to marry and then he abducted her. The applicant and the prosecutrix both resided in Kharsiya where he exploited her sexually which amounts to offence of rape. Hence, this case.

7. On perusing the certified copy of the deposition of the prosecutrix which has been filed along with the application, it is very clear that the prosecutrix has not made any statement against the applicant, therefore, she has been declared hostile. Looking to the development that has taken place in trial, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge