

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3895 of 2019**

Nilesh Sahu S/o Santosh Sahu Aged About 18 Years R/o Village Pirda,
Thana Basna, Tahsil - Pithora, District Mahasamund Chhattisgarh., District :
Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Sankara, District Mahasamund Chhattisgarh., District : Mahasamund,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2019**

Heard.

1. The prosecutrix herself, her father – Antaryami Sahu and mother – Sumitra Sahu are present in person before this Court. They have been identified by the counsel appearing for the applicant.

2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.101 of 2019, registered at Police Station – Sankara, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(N)/ 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that the applicant is in jail since 18.5.2019 and has been falsely implicated in this case. No offence has been committed by the applicant. It was only for the reason that the applicant and the prosecutrix used to love each other and a false complaint has been made. After realizing, the parents of the prosecutrix have appeared before the Court below and filed an affidavit that they do not intend to prosecute the applicant and similar affidavit has been produced by them before this Court also for appreciation. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix is only 14 years therefore, no compromise or any developed statement shall not be of any help to the applicant. Hence, the applicant is not entitled for grant of bail.

4. The prosecutrix and her parents have made a statement that they have no objection if the applicant is granted regular bail.

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

6. According to the prosecution case, this applicant has abducted the minor prosecutrix aged about 14 years and then taken to the places of his relatives, while staying there, he committed the offence of rape with the prosecutrix.

7. Considered the material present in the case-diary and also perused the affidavit of Antaryami Sahu and Sumitra Sahu filed before this Court in which they are making different statements and also considered the statement of the prosecutrix and her parents before this Court, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge