

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3957 of 2019

- Pradeep Kumar Sahu S/o Prakash Sahu Aged About 19 Years Caste - Teli, R/o Village Tarekela, Police Station Bagbahar Tahsil Pattalgaon, District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bagbahar, District Jashpur Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate.
For Non-applicant/State	: Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-08-2019

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 14.05.2019 in connection with Crime No. 101/2019, registered at Police Station– Bagbahar, District- Jashpur, C.G. for offence punishable under Sections 341 and 376 of Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 14.05.2019 and has been falsely implicated in this case. No case is made out against the applicant for the commission of offence under Section 376 of the IPC which is reflected from the statement of the minor prosecutrix herself under Section 164 of the Cr.P.C. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Informant – Balram Chouhan is present in person before this Court and he has made a statement that he has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, on the date of incident, this applicant stopped the minor prosecutrix on way and then by use of physical force has committed the offence of rape with her.
7. On perusal of the statement of the minor prosecutrix under Section 164 of the Cr.P.C. it appears that she has not made a clear statement regarding the commission of offence of rape and further, the medical report also does not suggest commission of sexual intercourse with the minor prosecutrix. Hence, for these reasons, 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