

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6277 of 2019

- Navin Sahu S/o Late Dhanu Sahu Aged About 45 Years
Caste Kolta, Occupation Labourer R/o Nanakpali Police
Station Basna District Mahasamund Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House
Officer Police Station Basna District Mahasamund
Chhattisgarh.

---- Respondent

For Applicant : Shri M.K. Bhaduri, Advocate
For Respondent/State : Shri Wasim Miyan, P.L.
Complainant-mother of the prosecutrix is present before this
Court.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

19.12.2019

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No.271/2018 registered at Police Station Basna, District Mahasamund(CG) for the offence punishable under Sections 363, 366, 376, 34 of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act.

2. As per the case of prosecution the complainant-mother of the prosecutrix lodged a report that the present applicant along with other co-accused Vrindavati kidnapped her daughter from lawful guardianship, who is a minor girl

and the applicant on the pretext of marriage taken her away and committed sexual intercourse with her.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He further submits that the prosecutrix herself had left the house and gone with the applicant on her own will. He submits that the co-accused has already been enlarged on bail by this Court vide order dated 12.9.2019 passed in MCRC No. 4202/2019, therefore, the applicant who is in custody since 11.7.2018 may also be released on bail.

4. On the other hand, counsel for the State as well as the complainant, who is mother of the prosecutrix, oppose the bail application.

5. I have heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and that the girl is aged about 14 years and she has been kidnapped from her lawful guardianship on the pretext of marriage and thereafter the applicant has committed sexual intercourse with her, I am not inclined to release the applicant on bail.

7. Accordingly, the application filed under Section 439 Cr.P.C. is dismissed. However, the trial court is directed to expedite the trial and conclude the same as early as

possible preferably within a period of three months from the date of receipt of the copy of this order.

8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE

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