

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6212 of 2019

- Shailendra Sahu S/o Ramesh Sahu Aged About 20 Years R/o Near Shiv Mandir, Ward No. 17, Kadambari, Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

 For Applicant : Ms. Arti Chandra Dutt, Advocate
 For Respondent/State : Shri B.L. Sahu, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

21.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.255/2019, registered at Police Station Mohan Nagar, District Durg(CG) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, brother of the prosecutrix lodged a report that the applicant allured his sister and on the pretext of marriage taken her to different places and committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime. The prosecutrix herself had gone with

the applicant on her own will and she has not stated anything against the applicant in the statement under Section 164 Cr.P.C. She further submits that the prosecutrix is aged more than 17 years and the applicant is in jail since 31.7.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the prosecutrix is aged above 17 years and the applicant is in jail since 31.7.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE