

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7102 of 2019

- Nutan Kumar Sahu S/o Purendra Kumar Sahu, Aged About 20 Years, R/o Village Khamhariya, Police Station - Patan, District- Durg Chhattisgarh....(In Jail), District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Rengakhar, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

----Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is repeat bail application before this Court filed by the applicant for grant of regular bail. His earlier bail application, MCRC No.4313/2019 was dismissed as withdrawn on 11-09-2019. The applicant has been arrested on 04-07-2018 in connection with Crime No.09/2019 registered at P.S. - Rengakhar, District Kabirdham, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) {wrongly mentioned as 376(5)(८)(6)} of the IPC & Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant is in jail since 04-07-2018. No case is made out against him. The prosecutrix has been examined before the trial Court and she is not a reliable witness. The trial has still not concluded and the applicant is languishing in jail without any fault on his part. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix in this case is minor of age below 16 years. Therefore, no case is made out for grant of bail.

4. According to the prosecution case, this applicant by alluring the minor prosecutrix with false promise to marry her abducted her and taking her to different places exploited her sexually. Hence, this case.
5. Heard learned counsel for the parties and perused the case diary.
6. After considering on the delay in trial and also the copy of the deposition of the prosecutrix filed by the applicant, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge