

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 454 of 2020

- Dushyant Kumar Sahu S/o Kewal Sahu Aged About 21 Years
R/o Gaura Chauk, Mahavir Ward, Bhatapara, Police Station
Bhatapara (City) District Balodabazar - Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Bhatapara
(City) District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Shri B.M.Rao, Advocate
For Respondent /State : Shri Wasim Miyan, PL
Father of the prosecutrix is present in the Court.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/02/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 401/2019 registered at police station Bhatapara (CG) for the offence punishable under Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act.

As per prosecution case, the applicant has subjected the prosecutrix to physical relations on the pretext of marriage and she got conceived.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the father as

well as the prosecutrix has not supported the prosecution case before the trial court. Lastly, he submits that the applicant is in jail since 3.10.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that father and the prosecutrix have not supported the prosecution case, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge