

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 688 of 2020**

- Trilok Chand Sahu S/o Suresh Kumar Sahu Aged About 33 Years Resident Of Village Tatekasa Ward No 03, Police Station Bagnadi, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station, Dongargaon, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/03/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 280/2019 registered at Police Station Dongargaon, District-Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376, 323, 506, 34 of IPC.
2. The prosecution story, in brief is that, a missing report was lodged by the mother of the prosecutrix that on 29.01.2018 prosecutrix was missed from house and she could not be traced out, during course of investigation the prosecutrix was returned to her house on 21.03.2018 and the mother of the prosecutrix produced her before the police station, her statement was recorded, in which, prosecutrix stated that she was acquainted with Mustakh @ Raj and she used to talk with Mustakh @ Raj through mobile for last 3 years. In the month of January, 2018, she along with her mother Renu went to her elder mother's house at Village Jevartala, where she

acquainted with the applicant Trilok Chand Sahu and on pretext of marriage, the applicant took her towards field side and committed sexual intercourse with her. After living 3 days at Village Dundera the prosecutrix talk with Mustakh @ Raj and the said Mustakh @ Raj informed her that her parents are searching her at Rajnandgaon and told that he is coming to Village Dundera. The said Mustakh @ Raj came at the said village and took the prosecutrix to Mumbai by train, where the said Mustakh @ Raj committed sexual intercourse with her. The said Mustakh @ Raj obtained money from 3-4 persons for selling of prosecutrix. After knowing the said fact, the prosecutrix called the present applicant and informed him that Mustakh @ Raj is going to sale her and informed about the location to the applicant and requested the applicant to somehow save her. The applicant visited to Mumbai and brought the prosecutrix in his house, where the prosecutrix came to know that the applicant is already married person. The applicant told the prosecutrix that she may return her house, on which, the prosecutrix returned her house. Based on this offence has been registered against the present applicant and another co-accused.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the age of the prosecutrix is more than 16 years and the applicant is in jail since 18.11.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix is aged about above 16 years and the applicant is

in jail since 18.11.2019, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**