

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1602 of 2020**

Naresh Sahu, son of Ishwar Sahu, aged about 18 years, resident of Kosrangi,
P.S. Kharora, District Raipur (CG)

---Applicant

Versus

State of Chhattisgarh Through - Station House Officer, Police Station-Kharora,
District Raipur (CG)

---Non-Applcant

For Applicant	:	Mr.C.R.Sahu, Advocate
For Non-applicant	:	Mr.D.C.Verma, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.467/2020, registered at Police Station-Kharora, Distt.Raipur (CG), for the offence punishable under Sections 363, 366 and 376 of the IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that the applicant abducted minor prosecutrix and taken her to various places and on the pretext of marriage he committed sexual intercourse with her and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant has already married with the prosecutrix. The applicant has been arrested on 02.12.2019, charge-sheet has already been filed and no useful purpose would be served by detaining

him in jail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicant and material available in case diary, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of In **Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-