

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1636 of 2020**

Puneet Kumar Sahu, S/o Shri Dayalu Ram Sahu, Aged About 32 Years, R/o Village Parpoda, P.S. Saja, District Bemetara, Chhattisgarh, Presently R/o Tiranga Chowk, Amleshwar, P.S. Amleshwar, District Durg, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Mohannagar, District Durg, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Varunendra Mishra, Advocate.
For State/ Non-Applicant	: Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****14.08.2020**

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the applicant Puneet Kumar Sahu, as he has been arrested on 19.01.2018 in connection with Crime No. 243/2016, registered in Police Station Mohannagar, District Durg (C.G.) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code, 1860 (for short 'IPC, 1860') and Section 6 of the Protection of Children from the Sexual Offences Act, 2012 (for short 'POCSO, Act 2012'). The first and second bail applications were rejected on merit on 18.09.2018 & 20.09.2019 respectively in M.Cr.C. No.3589/2018 and M.Cr.C.No.5931 of 2018.

2. The case of the prosecution is that the mother of the prosecutrix, namely, Chandrakala, has lodged the report on 14.05.2016, that someone has abducted her daughter. On the basis of the said report, an investigation has been made which reveals that the present applicant has committed the sexual intercourse with the prosecutrix, the minor, aged 15 years 6 months old, on the pretext of marriage with her. Further prosecution story is that the present applicant has forcefully kept the said prosecutrix in his friend Kishan Mandle's house, the other co-accused person and thereafter sent her to Raigarh with his said friend who has kept her with him and as per the instructions of present applicant, he (Kishan Mandle) took the prosecutrix to Sultanpur (U.P.), where he kept her for 3 months and thereafter took her to Nawagarh (Bemetara). It reveals further from the investigation that said Kishan kept her (prosecutrix) with his parents for a period of 3 months and then took her to the village Kavas at Gujarat, where he assaulted the prosecutrix and committed sexual intercourse with her. Based upon this investigation, the charge sheet has been filed on 10.04.2018 before the concerned Court for the offence as mentioned aforesaid.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the aforesaid crime. Since the evidence of the prosecutrix, her mother and grandmother has already been recorded wherein nothing has been levelled against the present applicant and since the trial is likely to take more time and that the applicant

is in jail more than two and half years, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the offence which has been registered against the applicant is serious in nature and after considering the statement of the prosecutrix, this Court has refused to grant bail to him on 20.09.2019 and in absence of any change in the circumstances, the applicant is not entitled to be enlarged on bail.
5. I have heard learned counsel for the parties and perused the statement of prosecutrix (PW-1) examined on 28.06.2019, along with other prosecution witnesses as well as the entire case diary carefully.
6. Having considered the facts and circumstances of the case, the manner in which the alleged offence has been committed by the applicant and considering further the statement of prosecutrix, particularly, paragraph 2 of her statement, based on which, the second bail application has been rejected on 20.09.2019 and in absence of any change in the circumstances, I am not inclined to release the applicant on bail. The third bail application is accordingly rejected.

Sd/-

(Sanjay S. Agrawal)
Judge