

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1946 of 2020

- Devendra Kumar Sahu, S/o Khedu Ram Sahu, Aged About 25 Years, R/o Mandir Hasaud, Railway Station Ke Pass, P.S. Mandir Hasaud District-Raipur, Chhattisgarh.

---- Petitioner

Versus

- The State Of Chhattisgarh Through Police Station Kosir, District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate.
For State/respondent	: Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.59/2019 registered at Police -Station-Kosir, District-Raigarh(C.G.) for the offence punishable under Section 363, 366, 376(2)(n) of IPC and Section 4 & 6 of POCSO Act and Section 3(1)b(1), 3(2)(5)(a) of SC/ST (Prevention of Atrocities) Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 17.7.2019. No case is made out against the applicant. The prosecutrix and the applicant both had an affair and they have willingly married on 28.6.2019, regarding which the prosecutrix has sworn on affidavit mentioning, that her age is 19 years, therefore, it is it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the investigation, the age of prosecutrix was below 18 years on the date of incident, therefore, any consent given is immaterial, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the prosecutrix went missing regarding which information was given to the police-station. The police recovered the prosecutrix from the custody of this applicant then on the basis of the statement given by her, that she has married with applicant and also had physical relation with him. The offences under Sections 363, 366, 376(2)(n) of IPC and Section 4 & 6 of POCSO Act and Section 3(1)b(1), 3(2)(5)(a) of SC/ST (Prevention of Atrocities) Act were registered against the applicant.
6. After considering on the statement given by the prosecutrix herself and other facts and circumstances of this case, I feel inclined to allow the bail application of this applicant.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha