

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2049 of 2020

- Rohit Kumar Sahu S/o Late Harishchandra Sahu, Aged About 19 Years, R/o Bhaibod, Outpost Birejhar, Police Station Kurud, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Outpost Birejhar, Police Station - Kurud, District - Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-07-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-12-2019 in connection with Crime No.629/2019 registered at P.S. – Outpost Birejhar, Police Station Kurud, District Dhamtari, Chhattisgarh for the offence under Section 363, 366, 376, 506 of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that no case is made out against him and he has been falsely implicated in this case. The prosecutrix and other material witnesses have been examined before the trial Court who have not supported the prosecution case. Therefore, nothing is left against this applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix was only 14 years on the date of incident, therefore, allegations against the applicant are of serious nature. Therefore, he is not entitled for grant of bail.

4. The informant/complainant is present along with the prosecutrix before this virtual Court through the Help Desk of the High Court and both of them have made statement that they have no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the documents.
6. As per the prosecution case, it is alleged that this applicant has abducted the minor prosecutrix of age below 16 years and has exploited her sexually by putting her under threat, regarding which the FIR has been lodged.
7. Considered on the submissions and also perused the certified copy of the depositions of the witnesses in the trial filed before this Court. It is found that the prosecutrix and other material witnesses have been declared hostile by the prosecution. Therefore, looking to this development, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge