

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2115 of 2020

- Gopi Ram Sahu, S/o Dinesh Kumar Sahu, Aged About 21 Years R/o Village- Ghursena, Tahsil Navagarh, Police Station- Nonghat, District Bemetara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Of Police Station Nonghat, District-Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate.
For State/respondent	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/06/2020

1. The complainant-Deepak Sahu is present in person before this virtual Court through "Help Desk" of High Court of Chhattisgarh.
2. 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.306/2019 registered at Police -Station-Nonghat, District-Bemetara(C.G.) for the offence punishable under Sections 376 of IPC and Section 4, 6 & 12 of POCSO Act, 2012.

3. 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 16.2.2020. No case is made out against the applicant. The prosecutrix has herself given statement under Section 164 CrPC, which clearly exonerate the applicant from the allegations, that are made against him in her earlier statement, therefore, no case is left against this applicant. Hence, it is prayed that he may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of prosecutrix was only 14 years and 8 months on the date of incident and the prosecutrix has given a clear statement against this applicant under Section 161 CrPC, therefore, application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Earlier a written complaint was given by the prosecutrix and also statement was given by the police, that on 25.8.2019 the applicant had forcefully raped her, on the basis of which the FIR was lodged.
7. Considering the statement that has been given by the prosecutrix under Section 164 CrPC, which appears to be contradictory and also on the submissions that have been made including the no objection statement made by the representative of the prosecutrix, I feel inclined to allow the bail application of this applicant.
8. 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 his

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