

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3224 of 2020**

Toman Lal Sahu S/o Prahlad Ram Sahu Aged About 27 Years R/o Bazaar Chowk Fagundah, P.S. Gurur District- Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through, S.H.O. Gurur District- Balod, Chhattisgarh.

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Vimlesh Vajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.08.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.90 of 2019, registered at Police Station – Gurur, District – Balod, Chhattisgarh for the offence punishable under Sections 376, 506, 294 and 354 of the Indian Penal Code and Sections 4, 6, 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.4.2019 and has been falsely implicated in this case. The date of incident as mentioned is 11.1.2018 whereas, the FIR has been lodged on 1.4.2019 by the prosecutrix herself. There is no explanation of delay of more than one year. Father of the prosecutrix had filed an application in the police

station on 14.3.2019 stating that he came to know about the love affair of his daughter and the applicant and that the applicant is threatening to defame his daughter but there was no allegation of rape. On that ground, the applicant was proceeded against under the provisions of Section 151, 107 and 116 of the Cr.P.C. subsequent to his release on bail in that proceeding, the FIR has been lodged after due deliberation, which is totally false. The father of the prosecutrix also been examined before the trial and he has made admissions in this respect, therefore, the case is totally concocted. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient material present in the prosecution case against the applicant. The prosecutrix has given clear and categoric statement against the applicant making allegations, therefore, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the High Court. She made a statement that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant forcefully raped the minor prosecutrix on 11.1.2018. Subsequent to that, it is

alleged that this applicant continued to tease and outrage the modesty of the prosecutrix on number of occasions. He also used to abuse and threaten her and then, the prosecutrix revealed about this incident to her family members in the month of February, 2019. Thereafter, the FIR has been lodged.

7. Considered the submissions and the facts that are present in the case. After overall consideration, I am of this view that it is a fit case where the applicant should be benefited with grant of regular bail during the pendency of trial.

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

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge