

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3396 of 2020**

Hemchand Sahu S/o Lt Manohar Sahu Aged About 19 Years R/o Sakin,
Village Narra District And PS Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Sho, P.S. Nevai, District- Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Aman Pandey, 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.360 of 2019, registered at Police Station – Nevai, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2) and 313 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.12.2019 and has been falsely implicated in this case. The prosecutrix is not minor and there had been an affair between the applicant and the prosecutrix. As the matter was disclosed, the prosecutrix was compelled to lodge false FIR against the applicant.

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 the age of the prosecutrix was below 16 years on the date of incident according to the entry in the school register, however, she has made a categorical statement against the applicant in the investigation, 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 no 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, the minor prosecutrix was abducted by the applicant on 11.12.2018, who kept her in his custody up to 20.12.2019 for almost one year on pretext that he will marry the prosecutrix and the applicant has forcefully established physical relation with the minor prosecutrix as a result of which, she became pregnant and her pregnancy was also aborted. On 20.12.2019, the prosecutrix was driven out from the house by the applicant and he also refused to marry her. Thereafter, the FIR has been lodged.

7. Considered the entire submissions and the facts that are present in the case. Looking to the statement of no objection made by the prosecutrix herself, 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