

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3450 of 2020

- Digeshwar Sahu S/o Gulab Sahu, Aged About 23 Years, R/o Village Kachandur, Tahsil and District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Jamul, District Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Shashank Thakur, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2020

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 12-05-2020 in connection with Crime No.282/2019 registered at Police Station - Jamul, District Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor and she had been a consenting party. She and the applicant both had a love affair and they wanted to marry each other. False FIR has been lodged by the father of the prosecutrix. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor and aged below 18 years on the date of incident, therefore, any consent or willingness on her part is immaterial. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age about 16 years and 11 months and kept her in his custody and during that time he exploited her sexually.

6. Considered on the submissions and the facts of the case and also considered on the statement of the prosecutrix under Section 164 of the Cr.P.C. which was narrated by the State counsel and on that basis, I am of this view that the applicant is entitled for grant of bail.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge