

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3661 of 2020**

- Kewal Ram Sahu, S/o Mohandas Sahu, Aged About 19 Years, R/o Mundera, P.S. Gunderdehi, District-Balod, Chhattisgarh.

---- Petitioner**Versus**

- State of Chhattisgarh Through Station House Officer, Police-Station Ranchirai, District-Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Aditi Singhavi, Advocate.
For State/respondent	: Mr. Vimelsh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/08/2020**

1. 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.27/2020 registered at Police -Station-Ramchirai, District-Balod(C.G.) for the offence punishable under Section 363, 366, 376, 368 of IPC and Section 4, 5 & 6 of POCSO Act.
2. 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 10.2.2020. No case is made out against the applicant. The prosecutrix has made no statement of allegation against this applicant under Section 164 of CrPC before the Magistrate, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix was minor of age only 15 years and 8 months at the time of incident. The prosecutrix has made statement before Child Welfare Committee and to the police under Section 161 CrPC, regarding sexual abuse by the applicant, hence, application be rejected.
4. The notice issued to the complainant in compliance with Section 439(1A) of CrPC has been returned received but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and by keeping in his custody he has exploited her sexually and committed the offence of rape.
7. Considered on the submissions and also considered on the statement of prosecutrix which she has given under Section 164 CrPC before the Judicial Magistrate First Class, which appears to be in contradiction to statements given by her to the police under Section 161 CrPC and also before the Child Welfare Committee, therefore, under these circumstances, 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 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