

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3929 of 2020

Sukalu Sahu, S/o Harichand Sahu, Aged About 23 Years, R/o Village Tekaparkhurd, Police Station and Tehsil- Khairagarh, District- Rajnandgaon (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- Police Station Khairagarh, District- Rajnandgaon (C.G.)

--- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/07/2020

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. 181/2020, registered at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of IPC, Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 30.05.2020 and has been falsely implicated in this case. The prosecutrix was not a minor and she had consented to

travel with the applicant to Gujrat and have physical relation, which is demonstrated from statement given by her to police and also to the Magistrate, therefore, no case is made out against the present applicant. Hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor and the applicant has exploited her sexually on pretext of marrying her whereas, he was already married, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix and took her to Gujrat where both of them stayed for some time and had physical relation continuously. When the prosecutrix insisted for marrying, the applicant refused for the same, therefore, FIR has been lodged.
6. After considering the facts and circumstances of the case and also statement given by the victim, I am of the view that it would be proper to release the applicant on regular bail during pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun