

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5087 of 2020

- Lkesh Sahu S/o Meeluram Sahu, Aged About 21 Years, R/o Village Bade Kareli, Post Office and Police Station Magarlod, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through the Station House Officer, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-04-2018 in connection with Crime No.54/2018 registered at Police Station - Panduka, District Gariyaband, Chhattisgarh for the offence under Section 376 of the IPC and Section 4/6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the first application for grant of regular bail filed by the applicant, MCRC No.2859/2019 was dismissed as withdrawn on 02-07-2019. It is submitted that the applicant has been falsely implicated in this case. He is in jail since 11-04-2018 and the trial against him has still not concluded, on the other hand the applicant and the complainant side have entered into a compromise, according to which, the applicant intends to marry the prosecutrix. Therefore, under these circumstances it is prayed that the applicant be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the statement given by the prosecutrix is clear and categorical

against the applicant, therefore, he is not entitled for grant of bail.

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

5. According to the prosecution case, the minor prosecutrix got acquainted with the applicant and thereafter the applicant by making false promise of marrying her made her submit for physical relation which continued for some time and resulted in the pregnancy of the prosecutrix. When the applicant did not marry the prosecutrix, she intimated about the incident to her parents and the FIR was lodged.

6. Considered on the submissions and also the facts of the case. As it appears that the applicant is in jail since more than two years and the trial against him is still pending and there is no likelihood of the same to be concluded soon because of the present pandemic situation, therefore, I feel inclined to allow this application.

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.

(Rajendra Chandra Singh Samant)
Judge