

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6253 of 2020

- Rikesh Kumar Sahu S/o Parakh Das, Aged About 18 Years, R/o Village-Bhengari, Police Station- Balod, Tahsil and District- Balod, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Shikhar Sharma, Advocate.

For Non-applicant/State – Shri Sameer Sharma, Deputy Govt. Advocate.

Shri Virendra Verma, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-10-2020

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 14-08-2020 in connection with Crime No.266/2020 registered at Police Station - Balod, District- Balod, Chhattisgarh for the offence under Section 452, 294, 376 of the IPC and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. There had been affair between the applicant and the prosecutrix which he will prove in the trial. A totally false FIR has been lodged. The prosecutrix had also given false statement under pressure of her parents. However, in the later on development the prosecutrix and her parents have realized their mistake and they have now given an application supported with affidavit making no objection in grant of bail to the applicant. The applicant is in jail since 14-08-2020. Therefore, it is prayed that he be granted bail.

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

and to the Magistrate making allegation of rape against this applicant, therefore, the applicant has no entitlement for grant of bail during pendency of the trial against him.

4. Shri Virendra Verma, learned counsel appearing for father of the prosecutrix submits that father of the prosecutrix and the prosecutrix both have no objection in grant of bail to the applicant.

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

6. As per the case, it is alleged that on the date of incident at about 10:00 a.m. in the morning this applicant effected his forceful entry in the house of the minor prosecutrix when she was alone and then after abusing her he had physical relation with her forcefully.

7. Considered on the submissions and the facts of the case. A development has taken place in which now the complainant side are making no objection for grant of bail, therefore, only for this reason I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge