

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6876 of 2020

- Nandkumar Sahu, S/o Hariram Sahu, Aged About 38 Years, R/o Village Mohtar(N), Police Station Sarsiwa, District-Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Office, Police Station Sarsiwa (Wrongly Mentioned as Arakshi Kendra Gidhauri), District-Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raghvendra Pradhan, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.
For Complainant	: Mr. R.K. Pali, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/12/2020

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.273/2020 registered at Police-Station-Sarsiwa, District-Balodabazar-Bhatapara(C.G.) for the offence punishable under Sections 366 & 376 of IPC and Sections 4 & 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 false statement has been given by the witnesses because of the previous enmity with

the applicant. The applicant is in jail since 25.08.2020, hence, the applicant 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 there is clear allegation made by the prosecutrix in her statement given under Section 161 & 164 CrPC making allegation of rape against the applicant. She was of age only 14 years whereas the applicant was of age 38 years at the time of incident, therefore the application be rejected.
4. The prosecutrix and her parents are present before this Court represented by Mr. R.K. Pali, Advocate. They have made a statement that they have no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that Children Protection Officer made a complaint to the police on the basis of which FIR has been lodged against the applicant alleging, that this applicant had abducted the minor prosecutrix of age 14 years and then by keeping her in his custody, he has exploited her sexually.
7. Considered on the submissions and the facts present in the case. As it appears that the prosecutrix and her parents, who are relevant witnesses of the case have no objection in grant of bail to this applicant, 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 his 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