

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 6779 of 2020**

Bisahu Ram Sahu, S/o. Late Kamal Sahu, aged about 30 years, R/o. Near Shaktidham Mandir, in front of Arambh School, Police Station - Telibandha Raipur, District Raipur Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Telibandha, District Raipur Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****03/12/2020**

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.62/2020, registered at Police Station – Telibandha, District – Raipur (C.G.) for the offence punishable under Section 366 & 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The relationship of the applicant with

the prosecutrix was based on consent. The applicant has also married the prosecutrix, therefore, no case is made out against the applicant. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix at the time of incident was below 16 years, therefore, she was not in a position to give valid consent, hence, her consent and willingness are immaterial. Therefore, it is prayed that the application be rejected.
4. The complainant - Khediya Bai is present before this Court on notice along with the prosecutrix. She and the prosecutrix both have made statement that they have no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then after performing the marriage, which is not permissible under law, exploited her sexually, regarding which, the case has been registered against the applicant.
7. Considered on the submissions and the facts of the case. As the complainant and the prosecutrix present before this Court have made statement of no objection, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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

Balram