

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6744 of 2020

- Devanand Sahu @ Deva S/o Nankuram Sahu, Aged About 25 Years, R/o Village Gudguda, P.S. Kurud, District Dhamtari Chhattisgarh. Present R/o Station Marauda, Shankara Para, Near Sahu Kirana, P.S. Newai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

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

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 12-04-2020 in connection with Crime No.89/2020 registered at Police Station – Newai, District Durg, Chhattisgarh for the offence under Section 376 (2) (N), 313 of the IPC and Section 6 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. The applicant is in jail since 12-04-2020. According to the prosecution case itself, the first incident is of November, 2017 and then the FIR mentions that the prosecutrix became pregnant in the month of May, 2019 which was aborted at the instance of this applicant, even then the FIR has been lodged on 09-03-2020 which is excessively delayed without any clarification, which shows that the case against the applicant is concocted. The prosecutrix was major on the date she has lodged the FIR. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix has made clear allegation against the applicant regarding commission of offence of rape and that she was minor on the date of first incident when she was ravished by the applicant. Therefore, the application may be rejected.

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

5. As per the case, it is alleged that this applicant made false promise to marry the minor prosecutrix and established physical relation with her from November, 2017. This relationship continued and then the prosecutrix became pregnant having pregnancy of two months in May, 2019, which she aborted because the applicant insisted for the same. Subsequently, the applicant totally refused to marry the prosecutrix because of which the FIR has been lodged.

6. Considering on the submissions and entire facts of the case, I am of this view that the applicant is entitled for grant of bail during pendency of the trial against him.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge