

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7560 of 2020

- Mithlesh Sahu S/o Jhabla Ram Sahu, Aged About 22 Years, R/o Kagdehi, Police Station Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri C.P. Lahrey, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2020

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 30-03-2019 in connection with Crime No.71/2019 registered at Police Station – Arang, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 (2) (द) of the IPC and Section 4, 6 of POCSO Act.

2. It is submitted by 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. Her statement under Section 164 clearly shows that she had willingly accompanied and resided with the applicant and also had physical relation with him for about 1 and ½ months. Therefore, no case is made out against the applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix is minor and she has clearly stated in her statement under Section 161 and 164 of the Cr.P.C. that the applicant used to have physical relation with her. Therefore, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the prosecution case, the applicant abducted the minor

prosecutrix of age 17 years and 8 months by enticing her on 13-02-2019. The prosecutrix was taken by him to Raipur where he kept her in a rented house for about 1 and ½ months where he had physical relation with her forcefully until the prosecutrix was recovered on 29-03-2019.

6. Considered on the submissions and facts of the case. After looking to the statement of the prosecutrix and also this fact that she had resided with applicant for about 1 and ½ months continuously without making contact with anybody, 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge