

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7877 of 2020**

Jagesh Sahu, S/o. Manharan Sahu, aged about 21 years, R/o. Village Mohtara (Na), P.S.- Sarsiva, District- Balodabazar-Bhatapara (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer Sarsiva, District-Balodabazar-Bhatapara (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Akash Pandey, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/12/2020**

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.265/2020, registered at Police Station –Sarsiva, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. There had been love affair between the applicant and the prosecutrix. The allegation regarding physical relation with the prosecutrix is false. The applicant is in jail since 25.08.2020. Charge-sheet in this case has been filed and the trial is likely to take some time. Therefore, it is prayed that the applicant may be released on

regular 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 on the date of incident had been only 14 years and 9 months. She was recovered from the custody of this applicant after the F.I.R. was lodged by her father and then she has made statement under Section 161 of Cr.P.C. and 164 of Cr.P.C. regarding her physical relation. Therefore, no case is made out for grant of bail.
4. Complainant – Chhavilal Sahu is present before this Court. He has stated that he has no objection in grant of bail to the applicant. The mother of the prosecutrix and the prosecutrix both are also present before this Court and they have also made statement that they are not having any 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, the father of the prosecutrix lodged FIR on 07.08.2020, that his minor daughter has without giving information to him gone to the house of this applicant and is refusing to come back, stating that she loves the applicant and she wants to marry him. Subsequent to which, the prosecutrix was recovered from the custody of the applicant and on the basis of the statement given by her, the offences have been registered against the applicant.
7. Considered on the submissions and the facts present in this case. Considering on the statement of no objection from complainant side,

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