

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7707 of 2020**

Subham Sahu S/o Shri Ram Sahu Aged About 22 Years R/o ACC Chowk,
Infront Of Daru Bhatti, Jamul, Police Station Jamul, District Durg,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Jamul, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Uttam Pandey, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2020**

Heard.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant. The first bail application of the applicant was rejected on merits on 4.6.2020 in M.Cr.C. No.1565 of 2020. The applicant was arrested in connection with Crime No.626 of 2019, registered at Police Station – Jamul, District – Durg, Chhattisgarh for the offence punishable under Sections 450, 377, 506B, 120B and 195A/ 34 of the Indian Penal Code, Sections 6, 13 and 14(2) of the Protection of Children from Sexual Offences Act, 2012 and Section 67-C and 67-B of the Information Technology Act.
2. Learned counsel for the applicant submits that the applicant is in jail since about more than one year and has been falsely implicated in this case.

The brother of the applicant, namely, Sanjay Sahu has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 6922 of 2020 vide order dated 8.10.2020. The only allegation against this applicant is with respect to the commission of offence under Section 67-B of the Information Technology Act, which is punishable up to three years of imprisonment. The trial against the applicant has not made any progress. Hence, looking to the circumstances, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 earlier application of this applicant i.e. M.Cr.C. No. 1565 of 2020 has been rejected on merits. At present, there is no change in circumstance, therefore, no case is made out for grant of bail to the applicant.

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

5. Considered the submissions and the facts present in this case. The allegations against this applicant are with respect to the preparation of a video of the act of unnatural sexual intercourse committed by co-accused – Sanjay Sahu with the minor victim and making use of the same to threaten the victim to withdraw the another case against Sanjay Sahu.

The new development that has taken place is that the Co-ordinate Bench of this Court has granted bail to co-accused – Sanjay Sahu who happens to be the main accused and he is the only person against whom there is allegation of committing unnatural sexual intercourse. Further, the

applicant is in jail since about one year and there is no progress in the trial because of the pandemic condition, therefore, I am of the considered view that there is some change in circumstance, hence, I feel inclined to grant bail to the applicant in this case.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge