

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 594 of 2021**

Devnarayan Sahu S/o Arjun Lal Sahu Aged About 30 Years R/o Village Ganiyari, Police Station Pulgaon, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Prasoon Agrawal, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.05.2021**

Heard.

1. This is the second bail application of the applicant. The first bail application was dismissed as withdrawn on 9.7.2020 in M.Cr.C. No. 4226 of 2020. The applicant was arrested in connection with Crime No.413 of 2019, registered at Police Station – Pulgaon, District – Durg, Chhattisgarh for the offence punishable under Sections 450 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.12.2019 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and her statement shows that she was not the reliable witness. Further, the mother of the prosecutrix has given an application alongwith affidavit making a statement

of no objection in grant of bail to the applicant. Hence, it is prayed that the applicant be enlarged 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 it is a case of rape with the minor prosecutrix who also happens to be mentally retarded, therefore, the allegations made against the applicant are of serious nature. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, it is alleged that on the date of incident this applicant forced his entry in the house of the minor prosecutrix and then without her consent and willingness, he raped her regarding which, the FIR has been lodged.

6. Considered on the submissions. The rejection order mentions about filing of no objection statement and an affidavit filed by the mother of the prosecutrix and also perused the copy of the deposition of the prosecutrix filed alongwith the application. Looking to the other circumstances present, I feel inclined to grant regular bail to the applicant.

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

8. 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)
Vacation Judge