

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1317 of 2021

- Toran Lal Sahu @ Raja S/o Brijlal Sahu Aged About 21 Years R/o Village- Bade Salekasa, P.S.- Chui Khadan, District- Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Jamul, Bhilai, District- Durg Chhattisgarh

---- Non-applicant

For Applicant : Mr. Aman Yadav on behalf of Mr. Anurag Jha, Advocate.

For Non-applicant/State : Mr. Akhtar Hussain, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The earlier application M.Cr.C. No.7483/2020 was dismissed as withdrawn on 02.12.2020. The applicant has been arrested on 10.02.2020, in connection with Crime No.37/2020, registered at Police Station-- Jamul Thana, Bhilai, District- Durg, C.G. for offence punishable under Section 363, 366 and 376 of I.P.C. and Section 04 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The prosecutrix and her mother both have been examined in trial and they have not supported the prosecution case, therefore, there is nothing left in the case against the applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the case diary statement and the statement of prosecutrix under Section 164 of Cr.P.C., no case is made out for grant of bail to the applicant. As the prosecutrix is minor of age below 15 years on the date of incident, therefore, it is prayed that this application may be rejected.
4. Complainant- Chhannu Lal Sahu, is present before this Court on notice and he has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and kept her in his custody and exploited her sexually, knowing well that being a minor, she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions and also perused the certified copy of deposition of the prosecutrix and her mother, it is found that both these witnesses have turned hostile and they have not supported the prosecution case in any manner. Hence, looking to this development in the case against this applicant, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge