

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1789 of 2021**

Jugal Kishor Sahu, S/o. Shankar Lal Sahu, aged about 20 years, R/o. Sarkhi,
Police Station – Abhanpur, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station –
Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**03/08/2021**

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.366/2020, registered at Police Station – Abhanpur, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 (2) (क) of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5 क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 06.10.2020. Statement of the prosecutrix under Section 161 of Cr.P.C. itself shows that she had consensually submitted for

physical relation with the applicant and resided with him for about six months. It was only because of dispute that arose, the prosecutrix left the applicant and has lodged false FIR against him. Therefore, it is prayed that the applicant may be released 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 the prosecutrix is of age below 18 years and further her statement is clear about the physical relation by the applicant, which amounts to commission of offence of rape as the prosecutrix is minor.
4. Prosecutrix is present virtually before this Court on notice through Help Desk of this High Court and she has 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. As per the prosecution case, it is alleged that this applicant on pretext of marrying the prosecutrix abducted her, kept her in his own house as his wife and had physical relation with her on numerous occasion. After about six months, the applicant has quarreled with minor prosecutrix, because of which, she left him and came back to her parental house, subsequent to which, FIR has been lodged. Prosecutrix happens to be the member of scheduled tribe.
7. Considered on the submissions and the facts present in the case. Looking to the reason for which, the FIR has been lodged in this case, 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