

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1987 of 2021**

Ajay Sahu S/o Domar Sahu Aged About 20 Years R/o Thethwarpara,
Dongargarh, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri Aditya Bhardwaj, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2021**

Heard.

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.283 of 2019, registered at Police Station – Dongargarh, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366, 376, 312 and 315 of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.5.2019 and has been falsely implicated in this case. The prosecutrix was willing and consenting party. The trial against the applicant

has not made any progress because of continuation of the pandemic situation. 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 the prosecutrix was minor on the date of incident and her consent is immaterial. Hence, the applicant is not entitled for grant of bail.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Rajnandgaon, District Rajnandgaon. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her, kept her in his custody and then had physical relation with her knowing well that she is not competent to give such consent.

7. Considered the submissions and the facts of the case. Looking to the statement of no objection given by the prosecutrix/ complainant and that the trial against the applicant is pending since more than two years and still it is not complete, therefore, I feel inclined to grant regular bail to the applicant.

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. 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