

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2150 of 2021

- Satyam Sahu, S/o Kejauram Sahu, Aged About 20 Years, R/o Shivaji Colony Ram, Nagar, Ward No. 1, Kawardha, Police Station and Tahsil Kawardha, District-Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Advocate.
For Respondent/State	:	Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/03/2021

1. Heard.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.116/2021 registered at Police-Station-Kawardha, District-Kabirdham(C.G.) for the offence punishable under Sections 363, 366, 376/34 of IPC and Sections 4, 6 of POCSO Act, 2012.
6. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated. The only allegation against this

applicant is this, that he give lift to the prosecutrix and dropped her where the main accused Irfan Khan was present, hence, it is prayed that he may be enlarged on regular bail.

7. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant has very clearly assisted the main accused in abduction of minor prosecutrix, therefore, he is not entitled for grant of regular bail.
8. I have heard the learned counsel for both the parties and perused the case diary.
9. As per prosecution case, It is submitted that on the date of incident this applicant gave lift to the minor victim on his motorcycle and brought her to a place where the main accused Irfan Khan was waiting. The accused Irfan Khan then took the minor prosecutrix with him to places where he kept her in his custody and exploited her sexually
10. Considered on the submissions. Looking to the evidence regarding role of this applicant in the commission of the offences, I feel inclined to allow the application of this applicant.
11. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge