

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2066 of 2021

- Purushottam Sahu S/o Manharan Sahu Aged About 24 Years R/o Near Laxmi Kirana Stores, Ayodhya Nagar, Changora Bhanta, Police Station D.D. Nagar, Raipur, District (Revenue And Civil) Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Deen Dayal Nagar, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shubham Tripathi on behalf of Mr. Yogesh Chandra Pandey, Advocate.

For Non-applicant/State : Ms. Beenu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2021

Heard

1. Admit.
2. Learned State counsel submits that case diary is available.
3. Learned counsel for both the parties have agreed to make submissions.
4. Also heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 15.01.2021, in connection with Crime No.08/2021 registered at Police Station-- Deen Dayal Nagar, District- Raipur, C.G. for offence punishable under Section 363, 376 and 376(2) (अ) of I.P.C. and Section 6 of POCSO Act.
5. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The statement of prosecutrix under Section 164 of Cr.P.C. is not sufficient to make out any offence as registered against the applicant. Hence, it is prayed that this applicant may be granted bail.

6. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor of age below 18 years at the time of incident and further, her statement under Section 161 of Cr.P.C. makes clear allegations against this applicant, hence, this applicant is not entitled for grant of bail.
7. Heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, it is alleged that this applicant used to compel the prosecutrix to visit him and he used to have forceful sexual relation with her without her will and consent, knowing well that she is a minor and also not capable to give a valid consent for such relationship. Hence, this case.
9. Considered on the submissions. The statement of prosecutrix under Section 164 of Cr.P.C. appears to be contradictory to the statement given by her under Section 161 of Cr.P.C. hence, looking to the circumstances present, I feel inclined to allow this application.
10. 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.
11. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge