

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2289 of 2021

- Doman Lal Sahu S/o Indu Ram Sahu, Aged About 25 Years, R/o Village Mura Tehsil Kurud, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: S.H.O., Police Station Borai District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-10-2019 in connection with Crime No.10/2019 registered at P.S. - Borai District Dhamtari, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of POCSO Act and 3(2)(V) of the SC/ST Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 24-10-2019. The prosecutrix has been examined in the trial and she has made admissions regarding her love affair with the applicant and regarding her willingly going and staying with the applicant for some time and she also admitted of her marriage with the applicant. She was not minor on the date of incident. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. Complainant Ishwar Lal Tandon had virtually appeared before this Court on 27-07-2021 on notice and he objected to 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, kept her in his custody for some time and had physical relation with her knowing well that she was minor and thus unable for giving consent. The prosecutrix also happens to be a member of Scheduled Caste.
7. Considered on the submissions and the facts present in the case. Looking to the statement of the prosecutrix given in the Court, I am of this view that the applicant should be granted bail during pendency of the trial.
8. Consequently, this application filed by the applicant 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 one surety 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