

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2733 of 2021

- Vijay Kumar Sahu, S/o Hemlal, Aged About 21 Years, R/o Rajoli, Post Gunderdehi, P.S. Ranchirai, District - Balod (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., P.S. Kanker, District - Kanker (C.G.)

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For State/respondent	: Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/07/2021

Heard.

1. 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.276/2020 registered at Police-Station-Kanker, District-Kanker(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 4 & 6 of POCSO Act & 3(1)(a), 3(2)(V) of SC/ST Prevention of Atrocities Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 10.11.2020. The prosecutrix was not minor on the date of incident. Her statement under Section 164 CrPC reveals that the whole matter was consensual, hence, the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix is minor, therefore, any consent by her is of no consequence, the application be rejected.
4. The presecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Kanker on notice. She has stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, who was of age below 18 years then on pretext of marriage he kept her in custody and had physical relation with her on number of occasions, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions and the facts of the case. Taking into consideration the statement of the prosecutrix under Section 164 CrPC and other circumstances, I feel inclined to allow this bail application and release the applicant on bail.
8. 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

Nisha