

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3982 of 2021

- Sarju Prasad Sahis, S/o Shri Chain Singh Sahis, Aged About 23 Years, R/o Indira Colony Phokatpara Kasdol, Thana and Tahsil Kasdol, District-Balodabazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Rajadeori, District-Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For State/respondent	: Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/08/2021

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.63/2020 registered at Police-Station-Rajadeori, District-Baloda Bazar-Bhatapara(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 of POCSO Act, 2012.
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

20.09.2020. The statement of prosecutrix under Section 164 CrPC clearly shows that she had been willing and consenting party and she herself came to the house of the applicant where she has married the applicant. The prosecutrix was not minor on the date of incident. It is also submitted that the prosecutrix has been examined in the trial and she has not supported the prosecution case and declared hostile, therefore, it is prayed that this 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 statement of prosecutrix under Section 161 CrPC is clearly against this applicant, hence, the application be rejected.
4. The prosecutrix is present before this Court through the 'Help Desk' of DLSA, BalodaBazar on notice. She has stated that she has no 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 of age below 18 years and then by keeping her in his custody, he exploited her sexually, knowing well that she was not capable to give consent for such relation being minor.
7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 and other developments that have taken in this case, I feel inclined to allow the application of this applicant.
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