

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3164 of 2021**

Vimal Sahu, S/o. Bisahu Sahu, aged about 20 years, R/o. Village Parpodi,
Police Station -Parpodi, Tahsil Saja, District Durg Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - P.S. Gandai, Distt.- Rajnandgaon
Chhatisgarh.

---- Respondent

For Applicant : Mr. Abhishek Pandey, Advocate

For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/07/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.55/2021, registered at Police Station – Gandai, District – Rajnandgaon (C.G.) for the offence punishable under Section 376 (2) (n), 201 of the Indian Penal Code, Section 4, 6 of the POCSO Act and Section 67 (A) of I.T. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 02.04.2021. Charge-sheet in this case has been filed. Statement of the prosecutrix herself under Section 164 of Cr.P.C. shows that earlier there was consensual relationship between the

applicant and the prosecutrix. Later on because of dispute and misunderstanding, false FIR has been lodged. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor of age below 18 years and also that her statement is clear and categorical against the applicant regarding commission of offence. Therefore, the application be rejected.
4. Notice issued to the complainant/prosecutrix has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the applicant had been meeting with the minor prosecutrix since April, 2020 and he had physical relation with her about 10-12 times during which, he has snapped some objectionable photographs of the minor victim. The minor victim stopped meeting the applicant because of which, the applicant first threatened her and when she did not submit to him then the applicant made her photographs viral on the social media, subsequent to which, FIR has been lodged.
7. Considered on the submissions. Considering the statement of the prosecutrix and the other facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram