

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3012 of 2021

- Deepak Sahu S/o Surpat Sahu, Aged About 22 Years, Resident of Saragbundiya Amlibhata, P.S. Uрга, District- Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through, Police Station - Balko Korba, District- Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Vikas Pandey, Advocate.

For State/Non-applicant – Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2021

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 25-01-2021 in connection with Crime No.504/2020 registered at Police Station – Balko Korba, District- Korba, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of POCSO Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. The applicant is in jail since 25-01-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly mentions that she and the applicant have not married and there had been no physical relation between them. Therefore, there is no case against this applicant, hence, it is prayed that he be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that statement of the prosecutrix under Section 161 of the Cr.P.C. is very clear and categorical against the applicant regarding commission of offence of abduction and rape. Therefore, he is not entitled for grant of bail.

4. The minor prosecutrix is virtually present through Help Desk of DLSA

Korba. She has objection in grant of bail to this applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the applicant and the prosecutrix had acquaintance since five years. It is alleged that this applicant abducted the minor prosecutrix, took her to Puna where he performed a sham marriage with her and then he established physical relation with her until she was recovered by the police.

7. Considered on the submissions. The statement of the prosecutrix under Section 164 of the Cr.P.C. appears to be contradictory to her previous statement, hence, taking into consideration these circumstances, I feel inclined to allow this application.

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