

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3643 of 2021

- Harish Kumar Sahu S/o Dayaram Sahu, Aged About 20 Years, R/o. Village Keshla, Police Station Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Rajeev Kumar Dubey , Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-03-2021 in connection with Crime No.47/2021 registered at P.S. - Bilha, District Bilaspur, Chhattisgarh for the offence under Section 376 (2) (n) and 506 of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application, MCRC No.3039 of 2021 was dismissed as withdrawn. It is submitted by learned counsel the applicant that the applicant has been falsely implicated. He is in jail since 17-03-2021. Charge sheet has been filed. The prosecutrix and her mother and father have been examined in the trial and they have not supported the prosecution case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date and time of incident and

further, there are other witnesses to be examined in the trial. Therefore, the application may be rejected.

4. The complainant had appeared virtually before this Court 16-07-2021 on notice and made statement of no objection in 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 allured the minor prosecutrix with false promise to marry her and then established physical relation with her. Subsequent to which, the applicant also threatened her for not disclosing about the incident to any other person. Hence, this case.

7. Considered on the submissions. Perused certified copy of the depositions of the prosecutrix, her mother and her father and it is found that these witnesses have been declared hostile witnesses by the prosecutor as they have not supported the prosecution case in any manner. Hence, looking to this development in the trial, 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