

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3721 of 2021**

Somnath Sahu S/o Bishamber Sahu Aged About 27 Years R/o Village Gota,
Police Station Nandani Nagar, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Of Police
Station Nandani Nagar, District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Smriti Shrivastava, Advocate on behalf of Shri Jitendra Gupta, Advocate.
For the Respondent/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.08.2021**

Heard.

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.74 of 2020, registered at Police Station – Nandani Nagar, District – Durg, Chhattisgarh for the offence punishable under Section 363, 366 and 376(2)(n) of the Indian Penal Code, Sections 5(th) & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 16.3.2021 and has been falsely implicated in this case. In fact, there

had been a love affair between the applicant and the prosecutrix and their physical relation was consensual. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be enlarged on 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 on the date of incident, therefore, her consent and willingness is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Durg. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then exploited her sexually on number of occasions. The prosecutrix is a member of scheduled tribe. Hence, this case.

7. Considered the submissions and the facts present in this case. The prosecutrix had appeared before the Sessions Court and filed an application making her statement of no objection alongwith an affidavit, which is found mentioned in the rejection order. Further, she has also made a statement of

no objection in grant of bail to the applicant, therefore, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge