

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4390 of 2021

- Faguram Sahu S/o Shri Mahesh Ram Sahu, Aged About 25 Years, R/o Nishad Mohalla, Behind Raipura Hospital, P.S. D.D. Nagar, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Dindayal Nagar (D.D. Nagar), District Raipur Chhattisgarh

----Non-applicant

For Applicant – Shri Sourabh Sharma, Advocate.

For Non-applicant/State – Shri Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-08-2021

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 28-11-2020 in connection with Crime No.381/2020 registered at P.S. - Dindayal Nagar (D.D. Nagar), District Raipur, Chhattisgarh for the offence under Section 363, 366, 376, 376(3) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 28-11-2020. Charge sheet has been filed. The prosecutrix has clearly admitted in her statement under Section 164 of the Cr.P.C. about her affair and her intention to marry the applicant. The prosecutrix has willingly left and resided with the applicant for sometime. Therefore, there is no case against this applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age below 18 years and she has stated under Section 164 of the Cr.P.C. that physical relation made by the applicant against her wishes. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Raipur. She has 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 promise to marry her and then established physical relation with her against her wishes. Subsequent to which, the FIR has been lodged.
7. Considered on the submissions. After looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also that she has no objection in grant of bail to the applicant, 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