

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4874 of 2021**

- Ashish Kumar Sahu S/o Ravishankar Sahu, Aged About 20 Years, R/o Village Sagarpur, Police Station and Tehsil Baikunthpur, District Korla, Chhattisgarh

**---- Applicant**

**Versus**

1. State Of Chhattisgarh Through- Station House Officer, Police Station Odgi (Police Chowki Kudargarh) Tehsil Odgi, District Surajpur Chhattisgarh
2. X (Victim/prosecutrix) Nill

**----Non-applicants**

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For Applicant – Shri Mahendra Dubey, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

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

**Order on Board**

**28-07-2021**

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 29-04-2021 in connection with Crime No.26/2021 registered at P.S. - Odgi (Police Chowki Kudargarh) Tehsil Odgi, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376 (2) (n) of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 29-04-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 of the Cr.P.C. reveals about willingness and consent of the prosecutrix in her relationship with this applicant. The applicant intends to marry the prosecutrix after she attains the age of majority. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence present in the diary statement of the

prosecutrix and the witnesses that the applicant has committed offence of abduction and rape. Therefore, his application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Surajpur. 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, this applicant abducted the minor prosecutrix on pretext of marrying her and then he kept her in his own house and established physical relation with her knowing well that she was unable to give consent for such relation.

7. Considered on the submissions. After considering the statement of the prosecutrix under Section 164 of the Cr.P.C. and other 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**