

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4430 of 2021**

Rukmani Sahu W/o Lorik Sahu Aged About 50 Years R/o Awasi Plot, Dabhra,
Police Station- Dabhra, District- Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Station House Officer- Dabhra, District- Janjgir-
Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4961 of 2021**

Lorik Sahu S/o Teejram Aged About 54 Years R/o Awasi Plant, Dabhra,
Thana Dabhra, District Janjgir Champa Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Aarkchi Kendra Dabhra, District Janjgir
Champa Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Anand Kesharwani, Advocate.
For the Respondent/State	:	Shri Alok Nigam, G.A. and Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.08.2021**

Heard.

1. Both these applications are decided by a common order as they arise from the same crime number. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.101 of 2021, registered at Police Station Dabhara, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 376, 313, 315, 323 and 506, 34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that they are in jail since 1.5.2021 and have been falsely implicated in this case. They have played no role in sexually exploiting the minor prosecutrix. All the allegations are mainly against co-accused – Naveen Sahu. According to the FIR itself, the incident took place in the year 2014 and the FIR has been lodged after lapse of about 7 years i.e. on 26.6.2021 on that date, the prosecutrix was major. Naveen Sahu, son of these applicants has refused to marry the prosecutrix, therefore, these applicants have been falsely roped by them in this case. Hence, it is prayed that these applicants may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is clear evidence against these applicants that they actively participated in the act of forcing the minor prosecutrix to abort her pregnancy, therefore, the application in both the cases may be rejected.

4. Notice issued to the complainant has been returned served in M.Cr.C. No.4430 of 2021 whereas, the other M.Cr.C. No. 4961 of 2021 is connected case. The complainant or the prosecutrix both have not appeared and also there is no representation.

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

6. The prosecutrix has lodged FIR alleging that about 8 years prior to lodging of FIR when she was aged about 12 years then main accused- Naveen Sahu allured her and sexually exploited her because of which, she became pregnant. Her pregnancy was aborted by the main accused by

administering some medicine. Subsequent to which, the main accused continued sexually exploiting the minor prosecutrix and she became pregnant again. On this occasion, the main accused and these applicants pressurized the minor prosecutrix to abort her pregnancy, which was aborted accordingly. Subsequent to that, the minor prosecutrix became pregnant again in the year 2019 and then the main accused and these applicants again pressurized her for aborting the pregnancy for which she was administered some medicine and the abortion was carried out. Subsequent to which, the FIR has been lodged.

7. Considered on the submissions. Looking to the major allegations that are present against these applicants and also considering the fact that the prosecutrix has lodged the FIR after considerable delay, I feel inclined to grant bail to the applicants in both the cases.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. of the applicants in both the cases are allowed.

9. It is directed that the applicants in both the cases shall be released on bail on each of them 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 their 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

Nimmi