

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5291 of 2021

- Rahul Sahu S/o Gopal Sahu, Aged About 21 Years, R/o Ward No. 09, Bazar Chowk, Saguni, Police Station Dharsiwa, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rekhraj Baghel, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-08-2021

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 19-06-2021 in connection with Crime No.79/2021 registered at P.S. - Dharsiwa, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 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 19-06-2021. The statement of the prosecutrix under Section 164 of the Cr.P.C. reflects that she was a willing and consenting party as she herself went with the applicant to Poona, resided with him and also performed marriage. The prosecutrix was also not minor on the date of incident. Therefore, there is no case present against the 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 age of the prosecutrix had been below 18 years, therefore, she was incapable of giving consent for physical relation. Further, she has

clearly alleged against the applicant in her statement under Section 161 of the Cr.P.C. 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, this applicant abducted the minor prosecutrix, took her to places and kept her in his custody and exploited her sexually until the prosecutrix was recovered by the police.

7. Considered on the submissions. Looking to the statement of the prosecutrix that has been given 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