

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5061 of 2021

- Dhananjay Sahu S/o Bhishm Sahu Aged About 21 Years R/o Bhelwakuda, Tahsil Bhakhara, District Dhamtari Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bhakhara, District Dhamtari Chhattisgarh

---- Non-applicant

For Applicant : Mr. Tapan Kumar Chandra, Advocate.

For Non-applicant/State : Mr. Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 08.05.2021, in connection with Crime No.53/2021, registered at Police Station- Bhakhara, District- Dhamtari, C.G. for offence punishable under Sections 363, 366, 376 and 506-B of I.P.C. and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicants that this applicant has been falsely implicated in this case. The applicant is in jail since 08.05.2021. Charge-sheet has been filed and the prosecutrix has also been examined in the trial. Therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the age of prosecutrix had been only 13 years on the date of incident and further, the prosecutrix is not a totally hostile witness before the Court, hence, this application may be rejected.

4. The Notice issued to the complainant had returned served 05.08.2021 but on that date, there is no appearance and no representation from the complainant side.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, this applicant abducted the minor prosecutrix of age 13 years, took her to his own house and then established physical relation with her. Subsequent to which, the minor victim was recovered by the police. Hence, this case.
7. Considered on the submissions. On perusal of the certified copy of deposition of the prosecutrix, it is found that she is not a totally hostile witness. Hence, for these reasons and that the age of the prosecutrix was only 14 years on the date of incident, I do not 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 rejected.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge