

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5043 of 2021

- Bhupendra Sahu @ Pintu, S/o Gulab Ram Sahu, Aged About 23 Years, R/o Ward No. 26, Behind Anil Kirana, Rajhara, Police Station Rajhara, District-Balod, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Rajhara, District-Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shikhar Sharma, Advocate.
For State/respondent	: Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/08/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.153/2021 registered at Police-Station-Rajhara, District-Balod(C.G.) for the offence punishable under Sections 376(2)(N), 363, 366, 506 of IPC and Section 4, 5(ठ)& 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

19.05.2021. Charge-sheet has been filed. The prosecutrix has not made any statement against the applicant under Section 164 CrPC and stated that no offence of rape has been committed by this applicant, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear statement of prosecutrix under Section 161 CrPC, in which, she has alleged about the commission of offence of rape by the applicant, therefore, the application be rejected.
4. The prosecutrix is virtually present before this Court through the 'Help Desk' of DLSA, Balod on notice. She has stated that she has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix kept her in his custody and also exploited her sexually, knowing well that she was not capable to give consent for such relation being minor, regarding which FIR has been lodged.
7. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 CrPC and also that the prosecutrix herself has no objection in grant of bail to the applicant, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha