

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5146 of 2021**

Aditiya Sahu @ Sanju S/o Late Jaigovind Sahu Aged About 21 Years R/o Sakariya, Sahupara, Police Station- Khadgawan, District- Koriya, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- AJAK, Baikunthpur, District- Koriya, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.09.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.11 of 2020, registered at Police Station – AJAK, Baikunthpur, District Koriya, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code and Section 3(2)(v) of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.4.2020 and has been falsely implicated in this case. No case of rape is made out against the applicant according to the statement of the prosecutrix under Section 164 of the Cr.P.C. According to the same

statement, she herself had called the applicant and then, left with him for a long stay which was more than 1 ½ years which shows her willingness all along. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor on the date of incident. She has made clear allegation of rape in her statement under Section 161 of the Cr.P.C. Hence, the applicant is not entitled for grant of regular bail.

4. The mother of the prosecutrix was virtually present before this Court on notice on 9.9.2021. She made a statement that she has objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her, kept her in his custody for considerable time and during that time, he exploited her sexually on numerous occasions until she was recovered by the police. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and the other circumstances, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his 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