

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5358 of 2021**

Harichand Sahu (in charge-sheet some places name written as Harishchandra Sahu), S/o Makhanlal Sahu Aged About 27 Years R/o Village Satmara, Police Station Ranchirai, District Balod Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh through the Station House Officer, Police Of Police Station Ranchirai, District Balod Chhattisgarh.

---- Respondent

For the Applicant : Shri Shikhar Sharma, Advocate.
For the Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.08.2021**

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.24 of 2021, registered at Police Station – Ranchirai, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(dha) of the Indian Penal Code and Sections 4 & 5(2)(tha) of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.3.2021 and has been falsely implicated in this case. The charge-sheet has been filed and the trial against the applicant is getting delayed. The statement of the prosecutrix under Section 161 of the Cr.P.C. clearly

shows that the applicant and the prosecutrix were having an affair and the prosecutrix had willingly gone and resided with the applicant in different places and they have also performed marriage. 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 age of the prosecutrix had been below 18 years, therefore, her willingness and consent are immaterial. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of DLSA, Balod. 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, the applicant and the prosecutrix both knew each other and had an affair for sometime. Subsequent to that, it is alleged that this applicant abducted the minor prosecutrix, took her to different places and also performed marriage with her and kept the minor prosecutrix in his custody and exploited her sexually until she was recovered by the police.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix given in the investigation and the

other circumstances, I feel inclined to grant regular bail to the applicant in this case.

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