

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5536 of 2021

- Chuman Lal Sahu S/o Late Bisahu Ram Sahu, Aged About 24 Years which has not been mentioned in the order of the learned court below, R/o Belar, P.S- Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri S.P. Sahu, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2021

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 13-06-2021 in connection with Crime No.293/2021 registered at P.S. - Arang, District- Raipur, Chhattisgarh for the offence under Section 363, 366, 376 (3), 376 (2) (ढ) of the IPC and Section 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 13-06-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is nothing present against this applicant. Hence, he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident and there is diary statement present against the applicant. Therefore, the application may be rejected.

4. The notice issued to the complainant was returned served for fixed date

01-09-2021, on which date there was no appearance and no representation from the complainant side.

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

6. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 16 years, kept her in his custody and then he also exploited her sexually continuously on numerous occasions, regarding which the FIR has been lodged.

7. Considered on the submissions and perused certified copy of the deposition of the prosecutrix filed along with the application which shows that she is a hostile witness as she has not supported the prosecution case. Therefore, looking to this development in the trial, 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