

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 5672 of 2021

1. Umesh Kumar Sahu S/o Shri Dewa Ram Sahu Aged About 23 Years R/o Village Uparpara, Shanti Nagar, Police Station Rakhi, District Raipur (Chhattisgarh)

---- Applicant

Versus

1. State Of Chhattisgarh Through P.S. Rakhi, Raipur (Chhattisgarh)

---- Respondent

For Applicant

Mr. Pragalbha Shara, Advocate

For Respondent /State

Mr. Sudeep Agrawal, Dy. Adv. General

Rikhiram Yadav, father of the prosecutrix, has also appeared through the VC facility at DLSA, Raipur.

(Proceedings through Video Conferencing)Order on BoardByPrashant Kumar Mishra, Ag. CJ2/9/2021

1. Heard.
2. The applicant has preferred this ***second bail application*** under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.218/2018, registered at Police Station Rakhi, District Raipur (CG), for the offence under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The first bail application was dismissed on merits with liberty to revive the prayer after examination of the prosecutrix.
4. Applicant committed forcible sexual intercourse with the prosecutrix, who was aged less than 18 years on the date of incident. Applicant and the prosecutrix were working as labourer in a construction site. In due course they developed intimacy and the applicant started committing physical sexual intercourse. She delivered a girl child on 18-12-2018, however, before that the present FIR was lodged on 13-12-2018.
5. It is informed by the learned State counsel that when notice of bail application was served on the father of the prosecutrix he informed that his daughter has already married to some other person in the nearby village and in the event she is made to appear before this Court, her married life would be disturbed.
6. On perusal of the papers, it is manifest that notice has also been served on the prosecutrix, however, she has not entered appearance.
7. The father of the prosecutrix namely; Rikhiram Yadav, would also submit that his daughter has already married to some other person and he accords no objection in releasing the applicant on bail.
8. Considering the entire facts situation of the case; further considering the fact that the prosecutrix has already been examined; as also for the fact that the applicant is in jail since 14-12-2018; and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.

9. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
10. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri