

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6019 of 2021

- Dharmendra Sahu S/o Shri Kanturam Sahu, Aged About 32 Years, R/o. Village - Singarbhat, Thana and Tahsil - Kanker, Civil and Revenue District - North Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through, Station House Officer, Police Station - Kanker, District - North Baster Kanker Chhattisgarh., District : Kanker, Chhattisgarh

----Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

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 11-06-2021 in connection with Crime No.132/2021 registered at P.S. - Kanker, District - North Baster Kanker, Chhattisgarh for the offence under Section 363, 366, 376, 376 (2) (n) of the IPC, Section 04, 06 of POCSO Act and Section 3 (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 11-06-2021. The statement of the prosecutrix under Section 164 of the Cr.P.C. reflects that she had willingly gone with the applicant, resided with him and had physical relation with him. The prosecutrix was not minor on the date of incident. Therefore, the FIR lodged is totally false. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the

Cr.P.C. is adverse to the applicant. Further, she was minor, hence, her willingness and consent is immaterial. Therefore, the application may be rejected.

4. Complainant Vinod Mandavi is virtually present through Help Desk of the High Court. He has objection in grant of bail to the applicant.

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 18 years, kept her in his confinement for some time and exploited her sexually knowing well that she was minor and incapable of giving consent.

7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and other circumstances, 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