

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6070 of 2021**

- Ravindra Sahu, S/o Kishanlal Sahu, Aged About 35 Years, R/o Clubpara, Behind Canal, Mahasamund, PS-Mahasamund, District-Mahasamund, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikas Shrivastava, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/09/2021**

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.5210 of 2020 vide order dated 19.11.2020 was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.370/2019 registered at Police-Station-Mahasamund, District-Mahasamund, Chhattisgarh for the offence punishable under Sections 370(A), 372, 373, 376, 34 of IPC and Section 6 & 17 of POCSO Act, 2012.
3. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. He is

in jail since 19.09.2019. The trial is getting delayed. The prosecutrix herself has filed Criminal Revision No.263/2021 in which the High Court has stayed the proceeding of the criminal trial against the applicant. It was on the same ground the co-accused person namely- Avinash Shrivastava and Yuvraj Nishad were granted bail vide order dated 4.8.2021 in the combined order in MCRC No.4989/2021 & 4998/2021, hence, it is prayed that this applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence present against the applicant in the case diary regarding sexual exploitation of the minor victim, therefore, the applicant is not entitled for grant of bail.
5. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Mahasamund on 15.09.2021. She had stated that she has no objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that the minor victim was compelled to enter into prostitution by the co-accused persons namely- Laxmi and Phoolen. The allegation against this applicant is this, that he had visited the minor prosecutrix as customer and sexually exploited her.
8. Considered on the submissions. The co-accused persons namely- Avinash Shrivastava & Yuvraj Nishad have been granted bail on the ground of delay and same is the case of this applicant also, therefore,

I feel inclined to allow the bail application of this applicant.

9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha