

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6026 of 2021

- Vikas Sahu S/o Bisaruram Sahu Aged About 24 Years R/o Village Dumar, Police Station Nandani Nagar, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, District Durg Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pravin K. Dhurandhar, Advocate.

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 03.06.2021, in connection with Crime No.94/2021, registered at Police Station- Nandani Nagar, District- Durg, C.G. for offence punishable under Section 363, 366-A, 376(2)(N) of I.P.C. and Sections 5(L) and 6 of POCSO Act and Section 3(2)(V) of the SC/ST (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 03.06.2021. The prosecutrix has willingly and consensually accompanied and married to the applicant and then they resided together for some time. Therefore, there is no case present against this applicant, hence, he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of the prosecutrix under Section 161 of Cr.P.C. is clearly against the applicant and further, she was minor of age below 18 years, therefore, her consent is immaterial. Hence, he is not entitled for grant of bail.
4. Notice issued to the complainant has been returned served today but there is no appearance and no representation on its behalf.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then also exploited her sexually knowing well that prosecutrix is minor and incapable of giving a valid consent. Hence, this case.
7. Considered on the submissions. Looking to the statement of prosecutrix given under Section 164 of Cr.P.C., 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