

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6526 of 2020**

- Tomeshwar Sahu S/o Parmeshwar Sahu, aged about 18 years, r/o Bajrang Para P.S. Pulgaon, Tehsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer Pulgaon, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri B.P. Singh, Adv.
For Respondent	:	Shri Rakesh Sahu, Dy. G.A. with Ms. Anjali Singh Chouhan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****03/02/2021**

1. The applicant has preferred this **third** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.392/2019, registered at Police Station - Pulgaon, District Durg (C.G.) for the offence punishable under Sections 366, 363, 376 (N)(H) IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage, rather second bail application of the applicant was dismissed on merit.
3. The prosecution story, in brief, is that complainant Rohit Sahu made a missing report at Police Station Pulgaon alleging therein that when he had left his daughter in the house of her grandfather to live with him at Pulgaon, on

05.08.2019, the complainant's aunt informed him over telephone that his daughter has gone somewhere without informing anybody. During investigation, the prosecutrix recovered from the possession of the applicant, her statement was recorded in which she has stated that the applicant, after alluring, took her along with him and committed forcible sexual intercourse with her on the pretext of marriage. Based on which, offence has been registered. The present applicant has been taken into custody on 06.08.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix has not supported the case of the prosecution, and in her Court statement also, she has not stated anything against the present applicant. Even in medical report, nothing incriminating has come to connect the applicant with the crime in question. It is next submitted that the applicant is in custody since 06.08.2019 and looking to the detention period of the applicant, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. The prosecutrix secured her presence before this Court through video conferencing from District Legal Service Authority, Durg and submits that she has no objection if the applicant is released on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 06.08.2019, without further commenting on merits of the case, I am

inclined to release him on bail.

9. Accordingly, the bail application is allowed.
10. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde