

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6783 of 2021

- Bhanupratap Sahu S/o Mosram Sahu Aged About 23 Years, Occupation Labour, Village Bakma, Thana Bagbahara, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station House Officer Thana Khallari, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant – Shri Deepak Kumar Jain, Advocate.

For Non-applicant/State – Shri Ankur Kashyap, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2021

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 21-08-2021 in connection with Crime No.164/2020 registered at P.S. - Khallari, District Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376(2) (n) of the IPC and Section 04, 06 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 21-08-2021. The prosecutrix was a willing and consenting party and it was on her compulsion the applicant had to take her with him, marry with her and cohabit with her. Therefore, there is no case present. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor, therefore, her willingness and consent is immaterial. Hence, the application may be rejected.

4. The prosecutrix is virtually present through the Help Desk of DLSA Mahasamund on notice. She has no 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she was minor and thus incapable of giving consent. Hence, this case.

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