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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7232 of 2021

- Dhanesh Sahu S/o Late Shri Devendra Sahu, Aged About 25 Years, R/o Ward No.15, House No. 667, Virat Bhawan, Madhuban Nagar Borsi, P.S. Padmanabhpur Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., P.S. Rajhara District Balod Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Ravi Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-07-2020 in connection with Crime No.226/2020 registered at P.S. - Rajhara, District Balod, Chhattisgarh for the offence under Section 363, 366, 376(2)(ढ) of the IPC and under Section 4, 5(ढ), 6 of Protection of Children from Sexual Offences Act, 2012 (As per Charge sheet).

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.6660/2020 was dismissed as withdrawn on 05-11-2020. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 11-07-2020. The prosecutrix has been examined in the trial and she has made admissions in her statement, according to which it is clear that she was a willing and consenting party and she was having a love affair with the applicant. The prosecutrix was also not minor. Therefore, it is prayed that this applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is not a hostile witness and she has supported the prosecution case and as regards appreciation of the deposition made by the prosecutrix, that is under the jurisdiction of the trial Court only. Therefore, the application may be rejected.
4. The prosecutrix is virtually present through the Help Desk of DLSA Balod. 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 confinement and exploited her sexually knowing well that she was minor and thus incapable of giving consent.
7. Considered on the submissions. After perusing the deposition of the prosecutrix and also that the prosecutrix has no objection in grant of bail to the applicant, 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