

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7594 of 2020**

Chandresh Sahu, S/o. Shri Neelkanth Sahu, aged about 25 years, R/o. Villaghe Hirri, Near High School, Police Chowki Litiya Semariya, Police Station Bori, Tahsil Dhamdha, District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.
For Complainant	: Mr. Praveen Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**06/01/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.106/2018, registered at Police Station –Litiya - Semariya, Police Station -Bori, District – Durg (C.G.) for the offence punishable under Section 363, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has

made false allegation against this applicant regarding commission of offence of rape. At present the development is this that the prosecutrix has got married and settled. The father of the prosecutrix has filed affidavit in support of the application, therefore, it is prayed that this applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the father of the prosecutrix has no locus-standi to make a statement of no objection and his statement has no relevance. The prosecutrix has made statement under Section 161 and 164 of Cr.P.C. making clear allegation against the applicant regarding commission of offence of abduction and rape with her. Therefore, no case is made out for grant of bail.
4. Counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant and the complainant also does not want to prosecute the applicant, in support of which two affidavits have been filed, the first is dated 30.11.2020 and second affidavit is dated 24.12.2020. As the life of the prosecutrix is now settled, therefore, to avoid any disturbance in her future prospects, the applicant should be enlarged on bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age about 16 years on 24.10.2019 and by keeping her in his custody up to 14.02.2019, he exploited her sexually by having physical relation with her on numerous occasions.

The prosecutrix when recovered has made statement against the applicant. Hence, this case.

7. Considered on the submissions and the facts present in this case. On perusal of the affidavit given by the father of the prosecutrix, it appears that the present circumstances have been brought to the notice of this Court. The applicant is in jail since about 8 months and the case is pending for trial, therefore, under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge