

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8563 of 2020**

Manoj Kumar Sahu S/o Shri Ishwar Sahu Aged About 24 Years R/o Village-
Mohadha, Post- Bhurkoni, P.S.- Tendukona, Tahsil- Pithora, Distt.-
Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the P.S. Pithora, District : Mahasamund,
Chhattisgarh.

---- Respondent

For the Applicant : Shri J.A. Lohani, Advocate.
For the Respondent/State : Shri Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.01.2021**

Heard.

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.31 of 2019, registered at Police Station – Pithora, District – Mahasamund, Chhattisgarh for the offence punishable under Section 363 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.9.2020 and has been falsely implicated in this case. The prosecutrix is not minor. The relationship of the applicant and the prosecutrix is consensual. At present, the prosecutrix is residing in the house of the applicant. The parents of the prosecutrix have appeared before the Sessions

Court to make a statement of no objection, which was not considered by the Court below. Hence, it is prayed that the applicant be enlarged on 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 on the date of incident the prosecutrix was a minor, therefore, any consent or willingness on her part is immaterial. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecution case is that this applicant abducted the minor prosecutrix on 16.9.2019. A missing report was lodged on 19.6.2019. Subsequent to which, the prosecutrix was recovered from the custody of this applicant and her statement has also been recorded.

6. After considering the submissions and the facts of the case, I am of the view that this applicant should be granted regular bail during the pendency of the trial.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi