

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8075 of 2020**

Manoj Kumar Sahu S/o Shri Nirat Sahu Aged About 21 Years R/o Village-
Dansara, P.S.- Sarangarh, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through, Station House Officer, Police Station-
Sarangarh, District- Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.01.2021**

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.588 of 2018, registered at Police Station – Sarangarh, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376, 34 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 has been falsely implicated in this case. The applicant and the prosecutrix both had an affair between them because of which, the prosecutrix willingly left her place and resided with the applicant in Jammu to earn livelihood for about more

than 1 ½ years during which, the relationship has taken place on consensual basis. The prosecutrix is not minor and the prosecutrix has given false statement under the influence of her parents after her return from Jammu. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 the prosecutrix was abducted her age was 16 years and 2 months only and on the date she was recovered she was still a minor, therefore, the submission about the consensual relationship by the applicant's side is without any basis. The prosecutrix has made a categorical statement against the applicant. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, this applicant abducted the minor prosecutrix on 5.9.2018. A missing report was lodged on 8.9.2018. The prosecutrix was then recovered on 13.3.2020 by the police who has given a statement against the applicant on the basis of which, the offences have been registered against him.

6. Considered the submissions and the facts of the case. It appears to be the incident of long duration of about more than 1 ½ years during which the prosecutrix continued to stay in Jammu to earn her livelihood and it is only after coming back to her place Chhattisgarh she has made the

statement against the applicant. Hence, looking to the circumstances, I feel inclined to grant bail to the applicant in this case.

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