

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.7924 of 2021**

- Somnath Sahu S/o Nirbhay Ram Sahu Aged About 20 Years R/o Lalpur  
P. S. Fingeshwar District Gariyaband Chhattisgarh

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through P. S. Fingeshwar District Gariyaband  
Chhattisgarh

**---- Non-applicant**

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| For Applicant           | : | Mr. Pragalbha Sharma, Advocate.    |
| For Non-applicant/State | : | Mr. Aman Kesharwani, Panel Lawyer. |

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**S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**22-11-2021**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The first bail application was dismissed as withdrawn in M.Cr.C. No.1261/2021 on 29.07.2021. The applicant has been arrested on 22.11.2020, in connection with Crime No.213/2020, registered at Police Station- Fingeshwar, District- Gariaband, C.G. for offence punishable under Sections 376 (2)-n of I.P.C. and Section 06 of POCSO Act, Section 66 (e), 67 of IT Act & Section 3(2)(v)(a) of SC and ST Act, 1989.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 22.11.2020. The prosecutrix has been examined in trial and she has not supported the prosecution case, therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. The prosecutrix is virtually present through the Help Desk, D.L.S.A. Raipur and she has no objection.
5. Heard learned counsel for the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant sexually exploited minor prosecutrix on numerous occasions and then by making video of the act but the applicant circulated the same to defame her. Hence, this case.
7. Considered on the submissions. After perusing the copy of deposition filed along with the petition, it is found that the prosecutrix is a hostile witness as she has supported the prosecution case. Hence, looking to this development, 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