

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8599 of 2020**

Bhuvneshwar Sahu @ Ravi S/o Kashi Ram Sahu, Aged About 23 Years R/o Village Devri, Tahsil And P.S. Dhamdha, District Durg (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Supela, District Durg (Chhattisgarh).

---- Respondent

For the Applicant	:	Shri Rahil Arun Kochar, Advocate.
For the Respondent/State	:	Shri Ravi Maheshwari, P.L.
For the Objector	:	Shri Kulesh Kumar Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.01.2021**

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.721 of 2018, registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5 (tha) 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 28.8.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. The prosecutrix herself had complaints from her mother and her step-father who were forcing her to engage in immoral activities, therefore, she left with the applicant for

Banaras where she performed marriage and at present, she also having a child. 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 of age below 18 years, therefore, any consent of the prosecutrix in such a case is immaterial. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. The prosecutrix is present before this Court alongwith Shri Kulesh Kumar Sahu, Advocate. She has stated that she has no objection in grant of bail to the applicant. The applicant is her husband and she wants to live with her husband.

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

6. According to prosecution case, this applicant abducted the minor prosecutrix of age below 18 years and by keeping her in his custody, he exploited her sexually on number of occasions.

7. Considered the submissions and the facts present in this case. On perusal of the copy of the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of this view that it is a fit case where the applicant should be benefited with grant of regular bail during the pendency of trial.

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. 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