

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8417 of 2020

- Ramesh Kumar Saytode, S/o Dhanau Saytode, Aged About 25 Years Resident of Durug, Police Station- Sarsinwa, Tahsil- Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Mr. Raghvendra Pradhan, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.
For Complainant	: Mr. Amit Kumar Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/01/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.126/2018 registered at Police-Station-Saraipali, District-Mahasamund(C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 08.10.2020. The prosecutrix was not minor on the date of incident. The allegations in the prosecution case against this applicant

are totally false. Prosecutrix and her father and mother had appeared before the Sessions Court and stated about their no objection in grant of bail, but the same was not considered, therefore, the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was minor on which about 16 years on the date of incident. There is clear statement made by her against the applicant regarding the commission of offence of abduction and rape. Hence, the application be rejected.
4. The prosecutrix and her father Rajkumar are present before this Court represented by Mr. Amit Kumar Sahu, Advocate. They have made a statement that they have no objection in grant of bail to this applicant. It is also stated that the applicant and prosecutrix both have married, therefore, he may be granted bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody, he has exploited her sexually.
7. Considered on the submissions and the facts present in the case. Further, after considering the statement that has been made by the complainant and the prosecutrix with regard to this application, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha