

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9334 of 2020

- Deepak Sahu S/o Shri Bhagirati Sahu Aged About 21 Years R/o Village Tulsaghat Police Station Lormi Mungeli, District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through SHO Kasdol District Balodabazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 19.11.2020, in connection with Crime No.651/2019 registered at Police Station-- Kasdol, District- Balodabazar- Bhatapara, C.G. for offence punishable under Section 363, 366 and 376 of I.P.C. and Sections 17, 18, 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The statement of prosecutrix under Section 164 of Cr.P.C. shows that she was willing and consenting party, therefore, it is prayed that this application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor on the date of incident, therefore, her consent and willingness is immaterial. Hence, this

application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and by keeping her in his custody, he exploited her sexually, knowing well that she was not capable of giving a valid consent. Hence, this case.
6. Considered on the submissions and the statement of prosecutrix under Section 164 of Cr.P.C. and looking to that, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika