

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9442 of 2020

- Premlal Sahu, S/o Manohar Sahu, Aged About 22 Years, R/o Village Gurujibhata, Police Station-Devbhog, District-Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent/State	:	Ms. Beenu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/03/2021

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.113/2020 registered at Police-Station-Devlog, District-Gariyaband(C.G.) for the offence punishable under Section 363, 366, 376(2)(n), 493, 354 of IPC and Section 6, 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Prosecutrix was not minor on the date of incident. Further, the prosecutrix had been

residing in the house of this applicant, consequent to the affair between them and she was also pregnant. False FIR has been lodged only for the reason, that the applicant has driven out the prosecutrix from his house, because she was making false allegation against the father of this applicant. There is no case present against this applicant, therefore, it is prayed that he 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 looking to the material present in the case diary, there is no case made out for grant of bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is submitted that this applicant abducted the minor prosecutrix kept her in his custody in his own house and he exploited her sexually because of which she became pregnant. Subsequent to other development, the FIR has been lodged against this applicant for the offence of abduction and rape and against the father of the applicant for the offences of outraging the modesty of the prosecutrix.
6. Considered on the submissions. After looking to the statement of the prosecutrix that is present under Section 161 & 164 of CrPC and the other circumstances, I feel inclined to allow the application of this applicant.
7. 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