

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.8684 of 2021

Daleshwar Sahu, S/o Melaram Sahu, aged about 23 years, R/o Hasuwa,
Police Station Gidhouri, Teh. Kasdol, Balodabazar, District (Revenue & Civil)
Balodabazar-Bhatapara (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Police Station Gidhouri, District (Revenue &
Civil) Balodabazar-Bhatapara (C.G.)

---- Non-applicant

For Applicant: Mr. Sumit Jhawar, Advocate.
For Non-applicant: Mr. Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/12/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.139/2021, registered at Police Station Gidhouri, Distt. Balodabazar-Bhatapara, for the offence punishable under Sections 363 & 366 of the IPC and Sections 17 & 18 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant abducted the minor victim and taken her to Chandrapur and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that in the statement of the victim recorded under

Section 164 of the CrPC, she has not supported the case of the prosecution and even the victim has been examined before the Court and she has not supported the case of the prosecution. The applicant is in jail since 15-10-2021, charge-sheet has been filed and no custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties as also the victim and her father, who are present in the Court, and also perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant, charge-sheet has been filed, no custodial interrogation of the applicant is required and the victim is said to have been examined before the Court on 13-12-2021, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed. The applicant will not tamper with the prosecution evidence and shall not influence the prosecution witnesses.

Sd/-
(Sanjay K. Agrawal)
Judge