

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1881 of 2022**

- Ishwar Sahu S/o Late Raju Sahu Aged About 21 Years R/o Rawa Bhata, Bajnang Chowk, Ward- 12, Thana- Khamtarai, District- Raipur Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer- Arjuni, District- Dhamtari, Chhattisgarh. **---- Respondent**

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For Applicant	:	Mr. Kunal Das, Advocate.
For State	:	Mr. Rahul Jha, Govt. Advocate.

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**Hon'ble Shri Justice Narendra Kumar Vyas****Order on Board****30-05-2022**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 18-12-2021 in connection with Crime No. 351 of 2021 registered at Police Station Arjuni, District Dhamtari, (CG) for the offence punishable under Sections 363, 366 and 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act,").
2. The prosecution case, in brief, is that on 15-12-2021 the father of the prosecutrix lodged a report against unknown person under the impression that his daughter below 18 years old had been kidnapped from legal protection on the basis which FIR was lodged and after investigation offence under Section 363, 366 and 376 of IPC and Section 6 of POCSO Act has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the

prosecutrix has not supported the case of the prosecution which is evident from the statement of the prosecutrix recorded under section 164 of Cr.P.C. He would further submit that the charge-sheet has been filed, present applicant is in jail since 18-12-2021 and conclusion of the trial is likely to take some time, therefore he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit the prosecutrix has supported the case of the prosecution which is evident from her statement recorded under Section 161 of Cr.P.C.
5. I have heard learned counsel for the parties and perused the record.
6. This court issued notice to the victim and in pursuance thereof prosecutrix has appeared through video conferencing and has stated that she does not have any objection if bail is granted to the applicant.
7. Considering the facts and circumstances of the case, the overall material available on record as well as the detention period of the applicant, the fact that there is contradiction in the statement of prosecutrix recorded under Sections 164 and 161 of Cr.P.C and conclusion of the trial is likely to take some time, I am of the opinion that it is a fit case to grant bail to the applicant.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial.
9. In view of the above, I.A.No.1 of 2022, application for urgent hearing and I.A.No. 2 of 2022, application for hearing the case during summer

vacation stand disposed of.

Sd/-

**(Narendra Kumar Vyas)**  
**Vacation Judge**

Raju