

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 66 of 2018**

- Anil Kumar Yadav S/o Johit Ram, Aged About 22 Years, R/o Jevra, Post, Bhaiso, Thana Munimula, District Janjgir-Champa, Chhattisgarh At Present R/o Pragati Nagar, Nadiyakhand, Thana - Darri, District Korba Chhattisgarh , Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Thana - Darri, District - Korba Chhattisgarh , Chhattisgarh

**---- Non-applicant**

---

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**09-03-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-06-2017 in connection with Crime No.62/2017 registered at P.S. - Darri, District - Korba, Chhattisgarh for the offence under Section 363, 366(A), 376/34 of the IPC and Section 4 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. According to the statement given by the prosecutrix under Section 164 of the Cr.P.C., no offence of rape is made out against this applicant and further she also appears to be a consenting party as age of the prosecutrix according the Radiologist is between 16 to 19 years. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the entry in the school register the age of the prosecutrix was below 18 years on the date of incident. Hence, her consent is immaterial. No case is made out for grant of bail to the applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant allured the minor prosecutrix, aged about 17 years, to marry her and took her along with him to Bilaspur and then to Kanpur, where both of them stayed about 10 days and in between the applicant established physical relation with the prosecutrix. A missing report was lodged by the father of the prosecutrix, on that basis, the prosecutrix was recovered from the custody of this applicant and on the basis of statement given by her the offences have been registered against this applicant.
6. Considered on the submissions made and contents of the case diary.
7. Considered on the material present in the case diary and also perused the statement of the prosecutrix under Section 164 of the Cr.P.C., which shows the change of version from the previous statement given by her under Section 161 of the Cr.P.C., hence, in these circumstances, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.
8. Consequently, this application filed by the applicant 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 one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**