

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 1995 of 2018**

Raju Kumar Yadav, S/o. Ramkabir Yadav, Aged About 21 Years, R/o.-  
Khairadih, P.S.- Shankargarh, District- Balrampur, Ramanujganj,  
Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through- The Station House Officer, Police Station  
Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Jitendra Shrivastava, Advocate |
| For State/respondent | : Mr. Ashok Swarnakar, P.L.          |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****01/05/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.58/2017, registered at Police Station – Shankargarh, District – Balrampur- Ramanujganj (C.G.), for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code and Section 5 & 6 of the POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 23.08.2017. No case is made out against the applicant on the basis of the material present in the charge-sheet. In-fact, the parents of the prosecutrix and the applicant had negotiated for marriage, as some dispute took place between them, because of which, the false FIR has been lodged against this applicant. At present, both the family have

agreed and the marriage is to be performed shortly after the applicant is released on bail. Parents of the prosecutrix had filed affidavits in support of the application for bail before the trial Court, which has not been considered. Certified copies of the affidavits of parents of the prosecutrix is attached along with this application. Apart from that, prosecutrix herself has not stated anything adverse against this applicant before the trial Court for which she has been declared hostile by the prosecution. Hence, prayed that the applicant may be enlarged on 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 contents of the FIR and the statement under Section 161 of Cr.P.C. is clearly against this applicant and further the statement before the Court is to be scrutinized by the trial Court for giving any conclusion, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 11.08.2017 and have taken her to his own house and committed rape with her. FIR was lodged by the prosecutrix on that basis, the case has been registered against the applicant.
6. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also the development of things that has taken place about the negotiation of the marriage of applicant and the prosecutrix between the parents of the both of them as it is stated in the certified

copies of the affidavits filed along with this application and also looking to the hostility of the prosecutrix before the trial Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

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