

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4629 of 2018**

Murit Ram Yadav, S/o Falit Ram Yadav, Aged About 23 Years, R/o. Narayanpur, Police Station Easterpur, District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer Of Police Station City Kotwali Mungeli, District Mungeli Chhattisgarh.

----- Respondent

For Applicant : Mr. Pallav Mishra, Advocate
For Respondent : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**25/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.157/2018, registered at Police Station- City Kotwali, District – Mungeli (C.G.) for the offence punishable under Section 363, 366 & 376 (F-2) of the Indian Penal Code and Section 4 and 6 of POCSO Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 30.03.2018. No case is made out against the applicant. Prosecutrix in this case was major on the date of incident and she had been a consenting party. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that according to the school register, date of birth of the prosecutrix is of the year 2001 according to which she was a minor on the date of incident. Apart from that according to the statement given by the prosecutrix, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, the prosecutrix was sister-in-law in relation of the applicant. It is alleged that about three months prior to the date of lodging of FIR, the applicant abducted the minor prosecutrix and by keeping her in his own residence had physical relation with her, which amounts to offence of rape. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and specially the report of ossification test, which shows that age of the prosecutrix may be about 19 years, 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 Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge