

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4737 of 2018**

Rajesh Yadav, S/o. Amrat Lal Yadav, Aged About 20 Years, R/o. Village Mandaragodi, P.S. Sakti, Tah. Sakti, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Dist Magistrate Janjgir Champa (Chhattisgarh). P.S. Sakti, Tah. Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.V. Purohit, Advocate
For Respondent	:	Mr. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/08/2018**

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.152/2018, registered at Police Station- Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 17.03.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix is a major girl and she was 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 the prosecutrix was minor on the date of incident, hence, even if, she is a consenting party, this fact is of no

consequence, hence, the applicant may not be released on bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is that he and the prosecutrix were acquainted to each other prior to the date of incident and also had physical relation with each other. Prosecutrix went missing on 15.03.2018, regarding which report was lodged by her father. After her recovery, she made statement about physical relation with the applicant.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the statement of the prosecutrix recorded under Section 164 of Cr.P.C., 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