

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3872 of 2019

Vikky Yadav Alias Sukhiram S/o Shri Girdhari Yadav Aged About 19 Years R/o Village- Jora, Telibandha, Odiya Basti, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Thana Incharge- Thana Telibandha, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr.Sudeep Johri, Advocate.

For Respondent : Mr. Sanjay Pathak, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/08/2019

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.181/2019 registered at Police Station– Telibandha, District– Raipur (C.G.) for the offence punishable under Sections 376 of Indian Penal Code read with Section 6 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case and he is in jail since 05.04.2019. The prosecutrix in this case was not minor on the date of incident and she was a consenting party. Further the applicant and the prosecutrix sides are negotiating for compromise. Therefore, it is prayed that the applicant may be granted regular bail.
3. Learned State counsel opposes the application and submits that

prosecutrix was minor on the date of incident, therefore, her consent is immaterial. Hence, he prayed for dismissal of the bail application.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, it is alleged that this applicant by alluring with promise to marry the prosecutrix, established physical relation with her on number of occasions. On the date of incident, age of prosecutrix was below 18 years. Hence, this case.
6. Prosecutrix and her father (Ram Yadav) are present before this Court on notice. The informant and the prosecutrix both have made statement that they are negotiating for compromise.
7. After considering this development and change of circumstances, I am of the view that it is a fit case where application filed by applicant deserves to be allowed.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge