

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4368 of 2019

- Ajay Yadav S/o Shri Kishunlal Yadav, Aged About 37 Years, R/o Kharoud Bhaderiyapara Sheorinarayan, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sheorinarayan, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Gurudev I. Sharan, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2019

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 24-03-2019 in connection with Crime No.138/2018 registered at P.S. - Sheorinarayan, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Sections 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 24-03-2019. The prosecutrix is a major lady and she had been a consenting party. The applicant and the prosecutrix both married and are also living together. They also had a child who died in infancy. Therefore, no case is made out against the applicant. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The allegation against applicant is this, that he abducted the minor

prosecutrix and then exploited her sexually, because of which she became pregnant.

6. On perusal of the diary statement of the prosecutrix and also the statement given by her under Section 164 of the Cr.P.C., I am of this view that this is a fit case for grant of regular bail.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge