

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4653 of 2019**

- Shailendra Yadav S/o Sevak Ram Yadav Aged About 18 Years R/o Village- Palari, Thana- Palari, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

**Versus**

- The State Of Chhattisgarh Through- Police Station- Palari, District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

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| For Applicant  | : | Mr. Samir Singh, Advocate.      |
| For Respondent | : | Mr. Arijit Singh, Panel Lawyer. |

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

**06/09/2019**

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.313/2018 registered at Police Station–Palari, District– Baloda Bazar-Bhatapara(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 03.07.2019. No case is made out against the applicant. The prosecutrix in this case is of age above 18 years. The proof regarding

her age, which is relied upon by the prosecution is school entry register which is not a conclusive proof. Further, the prosecutrix herself stated under Section 164 CrPC, that she had willingly accompanied the applicant and had physical relation with him, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix was merely 16 years and 11 months of age at the time of incident, therefore, any consent given by her is immaterial, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the prosecutrix went missing on 19.6.2018 upon which missing report was lodged and thereafter, the prosecutrix was recovered from the custody of this applicant on 26.6.2018. On the basis of the statement given by her, offence has been registered against the applicant.
6. On perusal of the statement of the prosecutrix under Section 164 CrPC and considering that the only reliance of prosecution regarding age of prosecutrix is school register, therefore, I feel inclined to allow the application of this applicant.
7. 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 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.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge