

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4863 of 2019**

Ramesh Yadav S/o Late Mani Ram Yadav Aged About 31 Years R/o Village Indalpur, Police Station Lalpur, Tahsil Lormi, District Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh.

---- Respondent

For the Applicant	:	Shri B.P. Banjare, Advocate.
For the Respondent/State	:	Shri Chandra Bhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2019**

Heard.

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.350 of 2019, registered at Police Station – Lalpur, District – Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.6.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix had willingly accompanied with

the applicant to Hyderabad, stayed for two days but there had never been any physical relation between them. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix is a minor girl aged about 16 years 8 months only and her consent and willingness is immaterial. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the minor prosecutrix was abducted by the applicant on 24.5.2019 and she was taken to Hyderabad where she was sexually exploited by the applicant. The prosecutrix was recovered from the possession of the applicant on 13.6.2019 and has given the statement against him. Hence, this case.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., which has been recorded subsequent to the statement of the prosecutrix under Section 161 of the Cr.P.C., it appears that she has omitted to state about the physical relation which she had stated in her earlier statement. Therefore, looking to the contradiction and development in the investigation itself, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge