

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 5125 of 2019**

Sunil Yadav @ Billu Yadav S/o Raj Kumar Yadav Aged About 20 Years R/o Ram Nagar, Lingiyadih, Sarkanda, District- Bilaspur, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

**---- Respondent**


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For the Applicant : Ms. S. Durga Sarni, Advocate.  
For the Respondent/State : Shri Sanjay Pathak, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****03.09.2019**

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.79 of 2019, registered at Police Station – Sarkanda, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 & 5 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.2.2019 and has been falsely implicated in this case. The prosecutrix in this case is a major lady and she had been a consenting party. According to the statement given by her under Section 164 of Cr.P.C., it is very clear that it was the prosecutrix herself who has forced the applicant to take her

with him and had physical relation with her. 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 was minor on the date of incident. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the applicant allured the minor prosecutrix with a false promise to marry her and after performing a fake marriage with her established physical relation on number of occasions. Hence, this case.

6. The only evidence regarding age proof is the entry in the school register which was present in the case-diary and the statement of the prosecutrix under Section 164 of the Cr.P.C., 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

Nimmi