

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.866 of 2020

- Champa @ Kishan Lal Yadav S/o Shri Maharu Yadav Aged About 23 Years R/o Village- Botepara, Police Station Ghumka, Tahsil- Ghumka, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Ghumka, District- Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ishan Verma, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2020

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 17.01.2020 in connection with Crime No.112/2018, registered at Police Station- Ghumka, District- Rajnandgaon, C.G. for offence punishable under Sections 363,366 & 376 of I.P.C. and Section 4 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 17.01.2020 and has been falsely implicated in this case. The applicant intends to challenge the ground of minority of prosecutrix in the trial, otherwise, the prosecutrix had been a consenting party. Applicant and the prosecutrix both have married and they are blessed with a child. The applicant intends to keep married with the prosecutrix, therefore, he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the

application and submits that on the date of incident, age of minor prosecutrix was only 15 years and 03 months according to the entry in the school register, therefore, no case is made out for grant of bail to the applicant.

4. Complainant- Roman Lal Verma is present in person before this virtual Court through the help desk of the High Court of Chhattisgarh and he has stated that he has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, as alleged, this applicant has abducted the minor prosecutrix on pretext of marriage and then has exploited her sexually which has resulted in pregnancy and delivery of a child. Therefore, the F.I.R. has been lodged.
7. After considering on the submissions made by the applicant counsel and also the statement of no objection made by the complainant, I feel inclined to allow this application.
8. 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 local surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge