

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 913 of 2020**

- Anand Yadav S/o Sitaram, aged about 20 years, resident of village Bothiya, Police Station Jaijaipur, District Janjgir - Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Pali, District Korba (C.G.)

---- Respondent

For Applicant	:	Smt. Madhunisha Singh, Advocate
For Respondent	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/05/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.17/2019 registered at Police Station – Pali, District Korba (C.G.) for the offence punishable under Sections 363, 366, 376 IPC, Section 4 of Protection of Children from Sexual Offences Act and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The prosecution story, in brief, is that the father of the prosecutrix used to quarrel with the prosecutrix after consuming liquor, due to which the prosecutrix was upset and decided to leave her parents. On 22.01.2019, the prosecutrix and her friend namely Shivangi fled from the home and went to Dehradun by train and started residing with the applicant and co-accused with their family. After coming to know that the prosecutrix and her friend fled from the home, the applicant and co-accused brought them to

village Podi and handed over them to police of police station Pali. Based on this, offence has been registered. The present applicant has been taken into custody on 08.05.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the age of the prosecutrix is 17 year but no ossification test has been conducted. She also submits that the prosecutrix, in her 164 CrPC statement, has herself admitted that she left her house of her own. She next submits that the applicant and the prosecutrix have performed marriage and they are living with their respective spouses. She also submits that the applicant is in custody since 08.05.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 08.05.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court

of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde