

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1185 of 2020**

- Preetam Yadav, S/o Basant Kumar Yadav, Aged About 20 Years, Resident of Khurmuri, Police Station Amleshwar, Tahsil Patan, District-Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Amleshwar, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State/respondent : Mr. Devendra Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/06/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.04/2020 registered at Police -Station-Amleshwar, District-Durg(C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 10.1.2020. No case is made out against the applicant. The prosecutrix is not a minor and she had been a consenting party. The only proof regarding the minority of prosecutrix is entry school register

which is not a conclusive proof, which shall be challenged in the trial, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the date of birth of prosecutrix is 24.10.2002 according to the school register, therefore, her age on the date of incident was below 18 years and consent given is immaterial, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant allured the prosecutrix with false promise to marry her and also performed sham marriage and thereafter abducted her and took her in a different place where he exploited her sexually.
6. After considering the facts and circumstances of this case and the submissions made, I feel inclined to allow the bail 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