

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1747 of 2020

- Gaurishankar Yadav S/o Anand Ram Yadav Aged About 25 Years R/o Shastri Nagar Khurseepar Bhilai, Tehsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

---- Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Non-applicant/State : Mr. Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2020

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 29.11.2019 in connection with Crime No.380/2019, registered at Police Station- Khurseepar, District- Durg, C.G. for offence punishable under Sections 376(2)(a) and 506 of I.P.C. and Section 5(l) and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 29.11.2019 and has been falsely implicated in this case. The prosecutrix in this case was major of age about 21 years on the date, the F.I.R. was lodged. However, her allegations that the incident has taken place sometime in the year 2015 is vague. Apart from that, the F.I.R. is also delayed clearly. It appears to be a case of consent, therefore, the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix has clearly supported the case against the applicant in her statement given to the police and also to the Magistrate under Section 164 of Cr.P.C. Therefore, there is no case made out for grant of bail to the applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, in the year 2015, when the prosecutrix was minor, this applicant allured her with promise to marry her and then exploited her sexually which continued upto the year 2019. The applicant then refused to marry the prosecutrix because of which the F.I.R. has been lodged.
6. After considering the facts and circumstances of the case, I am of this view that it is a fit case for grant of bail, hence, the application is allowed.
7. 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 surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge