

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2399 of 2020**

Hemant Yadav S/o Shri Reshamlal Yadav Aged About 19 Years R/o Village Pachari, Police Station Patewa, Tahsil Mahasamund And District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Patewa, Tahsil, Civil And Revenue District And District Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri J.A. Lohani, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.06.2020**

The default pointed out by the Registry has been cured. Registry to verify the same.

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.45 of 2020, registered at Police Station – Patewa, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(d) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 17.3.2020 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The prosecutrix has given a statement under Section 164 of the Cr.P.C. showing that she was a consenting party and she has also performed marriage with the applicant. The applicant intends to challenge the proof of age brought by the prosecution to show the prosecutrix is minor whereas, she is a major girl. 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 date of birth of the prosecutrix according to the entry in the school register is 2.11.2003, therefore, any consent given by the prosecutrix is immaterial. 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 minor prosecutrix was abducted by the applicant and taken to Nagpur where he performed a false marriage with her and then exploited her sexually.

6. After perusing the statement under Section 164 of the Cr.P.C. and also considering the fact that due to Covid-19 and pandemic situation, the trial of the case is withheld, therefore, 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