

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2583 of 2020

- Sevant Yadav S/o Anand Ram Yadav Aged About 21 Years R/o Village Themakhudra, Police Station Dondi, District Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Dondi, District Balod, Chhattisgarh

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate.

For Non-applicant/State : Ms. Akansha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-06-2020

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 13.03.2020 in connection with Crime No.52/2020, registered at Police Station- Dondi, District- Balod, C.G. for offence punishable under Sections 366, 376 of I.P.C. and Section 4 and 5(᳚) and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 13.03.2020 and has been falsely implicated in this case. The applicant and the prosecutrix both had an affair and the prosecutrix was major, therefore, she was a legally consenting party. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that according to the statement of the parents of the victim and also the school register, the prosecutrix is a minor,

therefore, it is a clear case of commission of offence as registered against the applicant. Therefore, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the applicant allured the minor prosecutrix with promise to marry her and then he established physical relation with her which continued for some time, then after the lodging of F.I.R. by the father of the victim, case has been registered against the applicant.
6. After considering the facts and circumstances of this case and also that the proof regarding the minority of the victim needs further verification, therefore, I feel inclined to allow this application.
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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge