

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3190 of 2020**

- Virendra Kumar S/o Jivanlal Yadav, Aged About 19 Years, R/o Beside Anjali School, Rajasevaiya Khurd, Pithora, Police Station Pithora, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Pihtora, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Shubhank Tiwari, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

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

**Order on Board**

**09-06-2020**

1. Heard on default.
2. The default pointed out by the Registry is waived.
3. 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 02-03-2020 in connection with Crime No.39/2020 registered at Police Station - Pithora, District Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
4. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 02-03-2020. The prosecutrix had been a consenting party which is reflected from her statement under Section 164 of the Cr.P.C. before the JMFC. The only age proof on which the prosecution relies, is the entry in the school register which is not a conclusive proof and which shall be challenged in the trial. Therefore, it is prayed that the application may be allowed.

5. Learned counsel for the State/non-applicant opposes the application submitting that according to the entry in the school register and the certificate given by the Head Master of the same school, the prosecutrix was clearly a minor on the date of incident. Therefore, the applicant has no entitlement for grant of bail.

6. Heard learned counsel for the parties and perused the documents.

7. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then he has exploited her sexually.

8. After considering the submissions and also perusing the copy of statement of the prosecutrix under Section 164 of the Cr.P.C. and further the submission made regarding age of the prosecutrix, I am of this view that it is a fit case for grant of bail.

9. 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.

10. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**