

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3043 of 2020

- Durgesh Yadav S/o Laxmi Yadav, Aged About 20 Years, R/o Sonumuda, Bajrangpara, Jutemill Chowki, Police Station City Kotwali, Raigarh, Tahsil and District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- City Kotwali, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-06-2020

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 17-02-2020 in connection with Crime No.126/2020 registered at Police Station - City Kotwali, Raigarh, District Raigarh, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of Protection of Children from Sexual Offences Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant is in jail since 17-02-2020. The prosecutrix was a consenting party and she was not minor on the date of incident. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix who is a member of Scheduled Caste/Scheduled Tribe and then he has exploited her sexually.
6. After considering the material against the applicant collected in the investigation and other facts and circumstances of this case, 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