

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3316 of 2020

Sumit Yadav, S/o Sukhdev Yadav, Aged About 22 Years, R/o Guru Ghasi Das Nagar, Kushalpur, P.S. Purani Basti, Raipur, District- Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Purani Basti, Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant	:	Mr. Pushkar Sinha, Advocate.
For Respondent	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/06/2020

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. 50/2020, registered at Police Station- Purani Basti, District- Raipur (C.G.) for the offence punishable under Sections 366 & 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 03.04.2020 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix was not minor on the date of incident which shows that she was consenting party and there had been love affair between the applicant and the prosecutrix. The prosecutrix has made statement under Section 164 of Cr.P.C. before the Magistrate which is contrary to the statement given by her before the police. 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 submitting that no case is made out for grant of regular bail to the applicant.
4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, allegation against the applicant is that the applicant abducted the minor prosecutrix and by keeping in his custody, he has exploited her sexually which amounts to commission of offence of rape.
6. After considering the facts and circumstances of the case and also the statement that had been given by the prosecutrix before the Magistrate under Section 164 of Cr.P.C., I am of the view that it would be proper to release the applicant on regular bail, hence, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge