

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3412 of 2020

Vikram Yadav, S/o. Arto Yadav, aged about 25 years, R/o. Village Korandikhunta, Police Station Barla, District Kalahandi (Od). Presently R/o Kirana Stores Ramdayal Sahu's House Gali No.2, Gokul Nagar, Police Station Gudhiyari, District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Devendra Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K. Gupta, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2020

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.208/2019, registered at Police Station – Devndra Nagar, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 (3), 376 (2) (ब) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix and her mother both have been examined before the trial Court and have not supported the prosecution case, therefore, nothing is left in the case against the applicant. Hence, it is prayed that the applicant may be enlarged on regular 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 age of the prosecutrix was below 16 years on the date of incident, therefore any consent given by her is immaterial. Hence, prayed that the applicant may not be released on bail.
4. The complainant/victim is present before this Virtual Court through Help Desk and made statement of no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and took her to Mumbai with him where he kept her in his custody, performed sham marriage and by force had forceful relation with her.
7. Considering that the prosecutrix herself and her mother, who are the

main witnesses of this case have been declared hostile by the prosecution for not supporting the prosecution case, therefore, looking to this development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram